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DIVINITY STUDIES

NUMBER ONE

THE CONTEST FOR LIBERTY OF CONSCIENCE IN ENGLAND

BY
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"THEY SHALL SIT EVERY MAN UNDER HIS VINE AND UNDER HIS FIG TREE: AND NONE SHALL MAKE THEM AFRAID: FOR THE MOUTH OF THE LORD OF HOSTS HATH SPOKEN IT. FOR ALL PEOPLE WILL WALK EVERY ONE IN THE NAME OF HIS GOD, AND WE WILL WALK IN THE NAME OF THE LORD OUR GOD FOR EVER AND EVER"

MICAH 4:4-5

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PREFACE.

This work was undertaken in connection with a course of study in the Department of Church History in the University of Chicago. My first task was to examine the original sources to be found in the libraries of Chicago. Though the number of these was not large, the general result was of such a nature as to produce in me a great desire to continue my researches. Early in the year 1899 I journeyed to London, and there began work in the British Museum. In the great library there search brought to light many important documents bearing upon the subject. The Williams Library furnished a few additional sources.

While the number of writings that have been made use of in the preparation of this treatise is large, and every reasonable effort has been put forth to obtain everything that has any important bearing upon the discussion, I can make no claim of having exhausted the subject. I am confident, however, that if important documents should be discovered to contradict the general trend of the history as here set forth, they will be found to be exceptions.

By way of acknowledgment let me say that to Dean Eri B. Hulbert is due credit for fostering the spirit of investigation which has made it possible for me to do work of this nature. Further, he has encouraged me in and advised about this work to such an extent as to lay me under the greatest obligation to him.

To the officers of the Newberry Library of Chicago, in which I did much work and was shown every possible courtesy, I wish to express my highest appreciation.

In like manner the resources of the library of the British Museum and the Williams Library were placed at my disposal. In them I was afforded unexcelled opportunities, and by their officers was treated with unvarying kindness.

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INTRODUCTION.

A MIGHTY and prolonged contest for religious liberty is one of the marked characteristics of modern history. From it has resulted the most important attainment of recent centuries. In this treatise I purpose to study so much of this contest as belongs to England. The minds of men have ever been in a state of doubt and uncertainty concerning this phase of the general Reformation movement. It would almost seem that in some conspicuous instances historians have been led to their conclusions concerning it by denominational pride, rather than by evidence. There is much conflict of statement.

John M. Baxter, in his "Church History of England," has stated that

> Whatsoever merit Independency may claim for advocating the rights of conscience, it is certain that the first clear and argumentative assertion of those rights proceeded from the pen of a suffering churchman, sequestered for no greater offense than that of loyalty, Jeremy Taylor (p. 607).

Henry Martin Dexter, the author of "Congregationalism as Seen in its Literature," declares:

> Robert Browne, I must think, is entitled to the proud preëminence of having been the first writer clearly to state and defend in the English tongue the true — and now accepted — doctrine of the relation of the magistrate to the Church (p. 101).

Robert Browne, the founder of the sect known as "Brownists," was also the father of Independency, using the word in its narrower sense. Thus the leading historian of the Congregationalists claims for his denomination the glory of having begun the contest for religious liberty.

David Masson, in his "Life and Times of Milton," makes a still different statement:

> Not to the Church of England, however, nor to English Puritanism at large, does the honour of the first perception of the full principle of Liberty of Conscience, and its assertion in English, belong. That honor has to be assigned, I believe, to the Independents generally, and the Baptists in particular. (Vol. III, p. 987.)

Philip Schaff, in his "Progress of Religious Freedom," has made the more general assertion that "the Baptists and Quakers alone (and Protestant denominations of later date) were consistent advocates of universal toleration, and put it in their creeds" (p. 55).

None of these statements lacks in positiveness, nor is there one of these historians whose name does not give weight to his assertion; yet, combined, they tend to produce an uncertainty in the public mind.

There are those who say: "The battle is won; why give our attention to it now?" Happy should we be could we know that the battle is won for the entire future. Persecution, though banished, may come back. The struggle of the early church for place and power was rewarded during the reign of Constantine; but an enthroned church soon became an intolerant church. Centuries later a spirit of inquiry arose in Germany and led quickly to active dissent. The right to differ in religious thought from the pope and councils was claimed by Luther; but he soon contended that none ought to differ from him; and to this the docile Melanchthon agreed. Calvin made the same claim of right for himself, and enforced by voice and action the same denial of liberty to others. Beza vehemently denied the right of dissent, while John Knox poured forth a tempest of wrath against those who disagreed with him in the faith. In England scores, now Catholics, now Protestants, were tortured and put to death for their religious beliefs. This violence has passed, and we would fain assure ourselves that complete freedom of conscience, at least among the Anglo-Saxon peoples, has been attained and established as our permanent inheritance.

But that this contest is over is too much to assume. Liberty of conscience cannot be complete while the state relates itself peculiarly to any religious organization. A perfect toleration may be possible under such circumstances, since toleration assumes the existence of the undesirable. Conscience, however, will not have full liberty until the state ceases by active favor or passive attitude to affect matters with which the conscience should be exclusively concerned. The free acceptance of articles

of faith and the untrammeled conduct of life, when that conduct interferes with no other's rights, are yet to be admitted by the British state and the English established church. Until it is admitted that the sovereign has no ecclesiastical prerogative; that the people, of all religious views, are sovereign; and that civil office is exclusively civil, the atmosphere will not be favorable to liberty of conscience. Different classes of common people, one after another, have extorted from an unwilling ruling class, piece by piece, its permission to exercise their rights. The principles which have been the life of this contest for freedom have not yet become infused into the national body. Three and one-half centuries have not been long enough to eradicate the demand for conformity. More than this, the production of sentiment ought not to cease when a mere majority has been led into the truth. Victory in such a struggle as this ought to mean more than gaining an ascendency. It ought to mean the dominance of the victorious principle over the national and social life in general.

To the citizens of the United States of America the historical interest in this struggle is great, as it bears so directly upon the attainment of our highly prized liberties. In general, the Anglo-Saxon contest may be said to be one. It was the Englishman striving for his liberties that formed the warp and woof of the original American social fabric. The literature of the two countries overlapped. The effect of any great movement in either country extended to the utmost boundaries of the English language. Here also it may be said that the principles giving rise to this contest have not yet been generally assimilated into the Christian consciousness. The view of John Robinson, of Pilgrim fame, that new light should yet break forth from God's Word, is not yet generally admitted, even in theory. And heresy seems little less a bugbear to many men now than it did in the times of the reformers, when manners were less polished.

It is certainly a matter of interest to trace this evolution in Christian thought; to watch the shifting motives that animated the contestants, the changing of position in persons and organizations. It is of interest to inquire who in England first

perceived and disclosed this principle of liberty of conscience, how it happened that they discovered it, and especially how it was that they were peculiar in their findings. In so doing we may have our attention healthfully drawn to some sources of truth, and some principles for its discovery, that we may at least apply to the solution of other problems, if not to the further solution of the same problem.

Again, a review of this contest will make possible a more accurate estimate of the characters engaged in it. The relative loftiness of their ideals, and the comparative purity of their motives, as well as the strength or weakness of their purposes, and the refinement or crudeness of their manners, will frequently appear. It will help us to answer the questions: Are Christians advancing or retrograding in ideals, in qualities, and in conduct? Was the Christian character which was developed by the rigors of the Reformation period, or the subsequent periods of persecution, superior to the product of our times of peace?

At the beginning of this investigation it is well to bear in mind that those engaged in securing their religious and political rights were not entirely agreed in what they wanted. The various regiments taking part in the onslaught did not form an unbroken line; did not even advance unanimously to storm a given point. The utmost confusion reigned among the defending as well as the attacking combatants. And most of the contesting parties shifted their positions from time to time, and changed the object of their struggles. The objects sought ranged from the narrowest limited toleration possible to the fullest right of private judgment. It may be further added that there were those who sought to obtain indulgence in license even, using the plea of conscientious scruple. Yet this class made but little gain and never became formidable.

One class claimed the right to a peculiar toleration which it was unready to concede to others. Being firmly convinced that their doctrines alone were true, and at the same time that the enthroned church was invincible to them, they besought special consideration from the existing powers. Their theory had no place in it for liberty, but the exigencies of the time put right

under the necessity of seeking toleration of might. From this narrowly limited conception of an exigency, theories of toleration ranged upward to the conception of full freedom of conscience.

The charity of one party was bounded by respectable Protestantism; another included all Protestants except Unitarians. Again, all Christians were hought admissible. The extremists found a place for even the Jew and the Turk.

Liberty of conscience is really not a degree of toleration at all; it lies in a different realm. The idea of toleration springs from the theory that the government, the magistrate, has inalienable prerogatives, and that the individual exists for the state. The magistrate is the final authority in church and state, and may impose his views upon all. Thus elevated, the government may condescend to allow certain persons to differ from it in theory. This lenient permission is toleration. The government continues its claim of domination, and its right again to become intolerant. It will exercise this when it chooses. Dr. O. W. Holmes is credited with saying that the idea of toleration is an insult to mankind. This is certainly as true as that the doctrine of the magistrate's ecclesiastical prerogative is an insult to mankind. The position of the tolerating authority was as despotic in theory as any ever held by a tyrant. The condition of those indulged was nothing better than petted serfdom. Toleration implies an inherent inferiority in the subject.[1]

The idea of liberty of conscience springs from the theory that the final object of the state is man, rather than the reverse. Man is responsible for his action, and, assuming this responsibility, his action accrues to his own debit or credit. The state exists as his servant, and has no right to conflict with his interests in the least. Individual accountability to God in all

[1] In the period of the political agitation of this matter, when the term "toleration" was used almost exclusively and frequently in the sense of liberty, GEORGE WALKER, in his *Plea*, written with the approval of the dissenting ministers of the Midland district, said: "Now, toleration is but an invidious term, and springs out of abuses, which do no credit to human nature or to religion. It is a mistaken idea that toleration is a grace and favour; it is a restoration to a right which ought never to have been violated; it is on the part of the state, the confession of a wrong which ought never to have been practised."

matters of conscience demands a freedom to act in accordance with conscience. This theory dignifies manhood. It sets in motion the faculties which alone can effect the highest development of the human race.[2]

Late philosophical treatises on this subject by churchmen, as M. Creighton in his "Persecution and Tolerance," and Phillips Brooks in his lecture on "Tolerance," do not take this distinction into consideration. Under the term "tolerance" they define "liberty of conscience," only conceiving it in its ideal or perfected form. Their action in this regard is not justified by the history of the movement. While not all the advocates of the various degrees of permission or freedom discriminated closely in the use of these terms, enough of them did so to place the student under obligation to recognize this marked difference. Brooks has well considered this perfected idea, and in analysis has found it

> composed of two elements, both of which are necessary to its true existence, and on the harmony and proportionate blending of which the quality of tolerance which is the result depends. These elements are, first, positive conviction; and second, sympathy with men whose convictions differ from their own.

He further defines it as "the willing consent that other men should hold and express opinions with which we disagree, until they are convinced by reason that those opinions are untrue." A very different view from this was held by Charles James Fox, who said that "the only foundation for tolerance is a degree of skepticism." A similar thought is expressed by a speaker whom Bishop Brooks quotes in certain remarks concerning the Puritans in America. He says: "They were intolerant as all men the world over, in all time, have always been, and always will be when they are in solemn earnest for truth or error." The utter falsity of this view is claimed by Frederick Maurice in his statement that "it is the natural feeling of all of us that charity

[2] In 1667 THOMAS TOMKINS wrote a pamphlet on *The Inconveniences of Toleration*, in which he asserted that he is opposing a demand for limited toleration. Though he uses contradictory language, he gives expression to this distinction. He says: "Now Liberty of Conscience is either Absolute or Limited. If it is Limited it is no longer Liberty of Conscience." (P. 1. Newberry Lib.)

is founded on the uncertainty of truth. I believe it is founded on the certainty of truth." Pagan tolerance, which is frequently lauded, does arise from such uncertainty or from lack of interest, but Christian liberty can be sustained only by sincere conviction.

The possible causes or occasions which may operate to make men charitable toward the existence of opinions differing from their own are numerous, as are also their various possible combinations. That each of the possible combinations has operated upon someone at some time may readily be conceived. Brooks names six elements, as follows: (1) indifference, (2) policy, (3) helplessness, (4) human respect, (5) spiritual sympathy, (6) an appreciation of the vastness of God's truth. This may help to explain the attitude of many who tolerate; but it is by no means a complete outline of the arguments presented by the host of those who have demanded religious freedom. In fact, no advocate of religious freedom would plead guilty to the accusation that his attitude toward it arose from indifference. The indifferent man was the one who conceded rather than the one who sought. The arguments set forth by those who sought may be divided into religious and political. Some authors argued wholly from a religious standpoint, while others saw the political side exclusively. It is worthy of mention that classes of arguments appear. Classes of thinkers arose in each dissenting body that appealed for rights or privileges. Out of these classes exceptions arose now and then, as is to be expected where a movement is progressive.

Here in the realm of motive we shall find facts worthy of our closest observation. The merit or demerit of the advocate must depend not a little upon his motives. To recommend an action on the ground that all opposition to it will be vain is not a very creditable performance compared with the recommendation of the same action because of human sympathy or Christian charity. To urge that men should be allowed freedom because otherwise they will cause trouble is not on a par with the insistence that rights to this freedom inhere in men as created beings. The adherents of organizations found to have been moved by lofty motives to take the part they did in this great struggle cannot

but rejoice now that the record of their denominations is so good.

The direct occasion for the rise of these literary campaigns was persecution in some form or other. When the contest became largely political, party sympathy caused not a few who were not themselves suffering to enter the lists for their oppressed friends. Even the glorious Milton is stirred up to pour forth his irresistible argument for "The Liberty of Unlicensed Printing," because the state licenser refused him permission to print his pamphlet on divorce. Let us not be cynical in our criticism of those who for private ends have pressed their claims on a dilatory and unworthy government. This self-interest was legitimate. All that we can condemn is that narrow selfishness which does not concede to others the same blessings sought for ourselves.

The manner of seeking these ends may also teach us something about these discontented people. With light footstep and quivering voice and faint hope many approached the crown. They fawned for a prized favor. They admitted not only the magistrate's power over them, but also his prerogatives. Happy were they if he did not turn upon them in violence for their presumption in soliciting the longed-for boon. They besought an opportunity to live and believe their doctrines unmolested. They were not bold enough even to ask for public advantages, such as buildings or the privilege of public worship. They did not complain of persecution in general; they only asked that they might be exempt from it. On the other hand, some demanded of the sovereign complete liberty of thought. They read the royal law to the magistrate, pointing out to him that his narrow persecuting course was condemned by Scripture, by reason, and by respectable authorities. They bounded his sphere of authority, limiting it to those cases where one individual or party brought injury to another or to the state. They ruled him out of the whole ecclesiastical sphere and especially out of the realm of conscience. Thus bold even to rashness, they asserted the rights of men. They did not fail to express their allegiance to the throne and their willingness to sustain it in its civil functions.

Yet they sometimes went so far as to make their appeals directly to the people, in whom they recognized the final authority. In this latter class a new element seemed to enter the national life. Never before had the royal blood been made so to boil by the speech of orderly and peaceable common people. Between these two extremes various other attitudes are found. They reveal much to us of the different dissenting movements and the persons who promoted them.

Heresy, the root of all this bitterness, thrived in the midst of the coercion practiced. The first inclinations to dissent from the newly established Protestant dogmas were met by King Henry VIII. with stringent legal enactments and their rigid enforcement. Regal displeasure and Smithfield fires frowned upon this, which was regarded as a most frightful form of wickedness. It was classed with idolatry and blasphemy, and was regarded as blacker and more reprehensible than fornication, theft, or even murder. It was stigmatized as soul-murder. It was quite proper for King Henry to revolutionize the preëxisting conceptions, but the deviation of any from him was a gross license, liable to overthrow the salvation of his majesty's loving subjects. Yet heresy increased. It spread throughout the land.

Those who entered this contest as opponents of heresy explained that it was condemned by Scripture, was destructive of souls and disturbing to the peace. The magistrate was held responsible for obtaining the salvation of his people in so far as lay in his power. To join in the rites and ceremonies of the established church was necessary to salvation. The government could enforce this conformity. This made heresy a civil crime as well as an ecclesiastical one. The supporters of the government were accused of insincerity in their claim that heresy should be stopped for the good of souls. They are reminded that their zeal for others has not caused them to begin a crusade against immorality. Outbreaking sins of injustice and lust were said to be unheeded, while sober men were attacked for heresy. The heretics were sometimes bold enough to mention that it was his acceptance of the way called heresy that brought persecution upon Paul. They pointed out that the early Christians had no

civil powers with which to coerce the heretics. The most they could do was to separate them from their company, that is, from the individual society with which they had been associated. Whatever judgment Peter might declare against Ananias, it must be executed by divine power. The magistrate and the supporters of his prerogative had recourse to the examples of the Old Testament, while the advocates of the full rights of private judgment admitted only the New as obligatory upon the Christian. The stress laid upon the examples of Moses and King Josiah as persecutors caused the most violent opposition to schismatics. Persecuting spirits hid behind these Old Testament characters with a complacency almost satanic. In citing Scripture these orthodox disputants usually obtained their standards and criteria from Israelitish history. On the other hand, the advocates of freedom held up King Jesus as ideal and standard. His example and his teaching formed much of the evidence which they presented. Indeed, the contest as a whole is little else than a conflict between certain Hebrew and Christian conceptions.

CHAPTER I.

BEGINNINGS OF THE CONTEST, OR PREVIOUS TO THE STUARTS.

THE first premonition of the conquest for liberty of conscience in England came just before the outbreak of the Reformation. In the year 1516 Sir Thomas More, then thirty-four years of age, published his vision of "Utopia." In his imagination he pictured a nation that possessed a large toleration. King Utopus is represented as taking but little interest in religious thought.

> Therefore all this matter he left undiscussed and gave to everye man libertie and choice to believe what he woulde. Savinge that he earnestlye and straightlye charged them, that no man shoulde conceive so vile and base an opinion of the dignitie of man's nature, as to think that the soules do die and perishe with the bodye; or that the worlde runneth at al aventures, governed by no divine providence.[3]

A belief in future rewards and punishments was also demanded by this liberal king, who would not persecute those who disagreed with him in opinion, but who "earnestlye and straightlye charged them" not to disagree with him in these particulars. Thus we find a conception of toleration arising in a great mind as a possibility; and it may have been conceived as desirable. In later life the same Sir Thomas More, then raised to a high official position, was a bitter persecutor. This fact indicates that, whatever he once thought, he came to regard toleration as impracticable, if not entirely undesirable. Nor does this incident seem worthy of a place in the historical account of this contest, save as a premonition of the future attainment which should result from the convulsion that was so near at hand.

Nothing is plainer than that the English established church was hostile to freedom of thought, from its very inception. King Henry VIII., once so zealous for the Roman hierarchy, armed his new organization with full equipment to enforce the views which he had substituted for papal dogmas. To the monarch alone was the right of private judgment accorded. In the year

[3] *Utopia*, Morris ed., p. 238.

1536 the "Articles about Religion" were sent out by the Convocation, and published by the king's authority. It reads:

> Amongst other cures committed unto this our princely office, whereunto it hath pleased God in his infinite mercy and goodness to call us, we have always esteemed and thought (as we also yet esteem and think) this to be most chief, most ponderous, and of most weight, that his holy word and commandments may sincerely without lett or hindrance, be of our subjects truly believed, and reverently kept and observed; and that unity and concord in opinions, namely in such things as doth concern our religion, may increase and go forward, and all occasion of dissent and discord touching the same be repressed, and utterly extinguished. For the which cause we being of late, to our great regret, credibly advertised of such diversity of opinions, as have grown and sprongen in this our realm . . . . have not only in our own person at many times taken great pain, study, labour and travail, but also have caused our bishops and other the most learned men of our clergy in our whole realm to be assembled in convocation for the full debatement and quiet determination of the same: where after long and mature deliberation and disputations had . . . . they have finally agreed upon the said matters; and we have caused the same to be published, willing, requiring and commanding you to accept, repute, and take them accordingly.[4]

In harmony with these articles a rigorous persecution was kept up throughout this reign. Under Edward VI. there was a relaxation in the execution of the law, though no disposition to repudiate the principle. Cranmer argued for persecution with overwhelming force, but Edward, in the tenderness of his youth, signed the martyr's death-warrant with tears.[5] The return to Romanism under Bloody Mary produced the most distressing persecution. So great were the cruelties that Protestantism seemed well-nigh crushed out. As Elizabeth's claim to the throne was dependent on the legitimacy of Protestantism in the kingdom, it was brought into power again to sustain her cause. She also backed the ecclesiastical courts with the civil sword, and made it impossible to say that the victories of the church were bloodless.

Within this period there develop[illegible] gradually an opposition, not only to uniformity as it then existed, but even to the idea that any creed should be forced upon the people. Frequent

[4] BURNET, *Hist. of Ref.*, Pocock ed., pp. 272, [illegible].

[5] This is related concerning the condemnation of Joan of Kent. (BURNET, *Hist. Ref.*, Vol. II, p. 112.)

references are made to the rise of this new thought. It was decried as anarchy. Its advocates were considered as especially dangerous. They were greatly maligned, and doubtless were more or less misunderstood. Our reports, coming as they do from their opponents, cannot be expected to be favorable to them, or even to be impartially truthful.

Concerning the year 1540 we are told that

> notwithstanding the care of the king [Henry VIII.] about religion, and the security of some of his acts against some supposed errors; yet divers greater and real errors crept in about these days into the realm: but the king being resolved to leave such as held them unto his laws, excluded them his general pardon at the conclusion of the Parliament in July, this year. The errors were these; That infants ought not to be baptized; and if they were baptized they ought to he rebaptized when they come to lawful age. That it is not lawful for a Christian man to bear office or rule in the commonwealth. That no man's laws ought to be obeyed. That it is not lawful for a Christian man to take any oath before a Judge, &c.[6]

From the statement of these "errors" it appears that the errorists were what were then called Anabaptists, and that they held that religious laws were not to be made by men nor obeyed when imposed on human authority. No reference is here made to civil authority or the civil functions of the magistrate. It is merely the assertion of the individual Christian's right to interpret the Scriptures for himself.

Archbishop Sandys, who sustained the ecclesiastical functions of the magistrate with great diligence, was at his prime at the middle of the sixteenth century. His opposition to all dissent was virulent. In one of his numerous sermons intended to strengthen the king's ecclesiastical power he burst out exclaiming:

> Barbarous therefore, and wicked is the opinion of the anabaptists, which condemn all superiority, authority, and government in the church.[7]

The archbishop seriously charges this sect with holding the equality and responsibility of the people in their relation to divine law. Such views could not exist except with those who concede the Christian's right of private judgment.

[6] JOHN STRYPE, *Eccl. Memorials*, Vol. I, pp. 552 f.

[7] *Sandys' Sermons*, Parker Society.

At about this time (1550) Roger Hutchinson preached two sermons on "Oppression, Affliction and Patience."[8] In the second of these he shows that he has been impressed by the Anabaptists' demand for liberty of thought in religious matters, and their view of the significance of Christ's refusal to accept civil office:

> Aye [saith the master Anabaptist], when the people would have made him (Christ) a king, he conveyed himself out of sight, and would not take on him any such office. Christ, the Son of God, would not have refused these offices and functions if with the profession of a Christian man it were agreeable with the temporal sword to punish offenders, to sustain any public room and to determine controversies and suits; if it were lawful for private men to prosecute such suits and to sue just and rightful titles. He *non est dominatus, sed passus;* would be no magistrate, no judge, no governor, but suffered and sustained trouble, injury, wrong and oppression patiently.

In Hutchinson's answer to this view he stated with clearness their teaching concerning persecution:

> Instead of the temporal sword which you say Christ's coming hath put down, you teach that now excommunication is to be exercised upon offenders, so that they who in the Old Testament were punished with death, are only to be excommunicated.

Whatever else may be said of this arraignment of the Anabaptists, it is certain that the author found no place for coercion in their system of thought. He represents them as laying stress upon Christ's example in his refusal to unite his religious character and purpose with civil office. It is noteworthy that he does not charge them with denying the civil function of the magistrate.

"A Short Treatise of Politike power and of the true obedience which Subjects owe to Kings and other civil Governours" was printed in 1556, and is ascribed to one John Poinet. He says:

> Some there be that will have too little obedience, as the Anabaptists. For they, because they heare of a christian liberty, would have all politike power taken away; and so indeed no obedience. . . . . For the Anabaptists mistake christian liberty, thinking that men may live without sin . . . . and that there fore God ordained civill power (his minister) to rule him and to call him back whensoever he should pass the limits of his duty, and would that an obedience should be given him.[9]

[8] *Works of Roger Hutchinson*, Parker Society, p. 323.

[9] *Commonwealth Tracts*, p. 22. Newberry Lib.

Here this sect is represented as being peculiar in their thought in that they make too much of Christian liberty and too little of obedience. They are said to make a distinction between the obedience due the civil authority and that due directly to God. The magistrate, as a minister of God, is to rule man, restraining him "whensoever he should pass the limits of his duty." There is no mention as to what realm it is from which "all politike power" is to be taken, but since the civil ruler is admitted to be a minister of God and to have a sphere, it is clear that it is obedience in ecclesiastical matters that is refused to the king.

But that the incompleteness and vagueness of these statements arise from the lack of knowledge in the authors quoted, rather than in the minds of the Anabaptists, is made plain by the fuller presentation of their views by John Knox, the Scottish reformer. He has preserved for us an important document of the Anabaptists in a treatise entitled "An Answer to a Great Nomber of blasphemous Cavillations written by an Anabaptist' ("Works," Vol. V). He was candid enough to print these cavillations in his refutation of them. Considered an adept in handling this heresy, he doubtless was well acquainted with its advocates. The Duke of Northumberland wrote to Cecil in October, 1552, requesting that the king appoint Mr. Knox to the bishopric of Rochester, since "he would be a whetstone to the archbishop of Canterbury and a confounder of the Anabaptists lately sprung up in Kent." That Knox is made use of by the duke is seen by a letter written in December of the same year, "with which he returns Master Knox . . . . because he loves not to have to do with men neither grateful nor pleasable."[10] From this it may be readily inferred that Knox was acquainted with the teachings of this class of thinkers some years previous to the publication of his answer to the "Cavillations." It is believed that this answer came out first in 1560, though it was republished at several later dates. In it the cavillator, arguing against the Calvinists, attacks their morals. He accuses the Genevan reformers of "indured malice" for having set forth books affirming that it was lawful to persecute and put to death

[10] *Cal. State Papers*, Domestic Series, 1552, pp. 46–8.

such as dissent from them in controversies of religion. He affirms that

afore they came to authoritie they were of another judgment, and did both say and write that no man ought to be persecuted for his conscience saik; but now they are not only become persecutors, but they also have given as far as lieth in them the sword into the hands of bloodie tyrantes. Be these I pray you the shepe whom Christ sent forth in the midst of wolves? can the shepe persecute the wolf? doth Abel kill Cain? doth David (thoh he might) kill Saul? Shortly, doeth he which is born of the Spirit kill him which was born after the fleshe? (Pp. 207 f.)

Knox, not regarding a work on predestination the proper place to interject a discussion on this topic, replies:

Your Master Belius affirmeth that lawful it is not to the civil magistrat to use the sworde against heretikes. To whom that godlie learned man, Theodorus Beza, hath answered. In which if you or your Master thinke not yourselves fully answered; you may put pen to the paper when you list looking to receave answer with convenient expedicion. (Pp. 228 f.)

Yet the temptation is too strong to be resisted, and the reformer plunges into the argument:

Where ye aske, If these be the shepe which Christ sent furth in the middes of wolves, and if the shepe can persecute the wolves? And I demand for answer, Whether Moses was a shepe or wolf, and whether that fearful slaughter executed upon idolaters, without respect of persons, was not as great a persecution as the burning of Servetus and Joan of Kent? To me it appeareth greater. For to them was granted no place of repentance: no admonition was given unto them, but without further delay or question, was the brother commanded to kill the brother; yea the father not to spare the sonne. . . . . When further ye ask, If Abel did kill Cayn, or David Saul, or he which is born of the Spirit did kill him which is borne of the flesh? I answer, If your question be of Abel, David and Isaak in their proper persons, that none of them did kill any of these fore named. But if thereof ye inferre more, Is it lawful for any of God's Elect to kill any man for his conscience sake? I answer that if under the name of conscience ye include whatsoever seemeth good in your owne eyes, that then ye affirm a great absurditie manifestly repugning[11] as well to Gods law as to the examples of those whom God hath highly praised in his holie Scriptures. But because continually ye claime to your conscience, to remove from you that vain coverture, I ask, If the Murtherer, adulterer, or any other malefactor, should be exempted from punishment of the law, although he alledge that, he ought to be mocked that will claim the patrocinie[12] of conscience, when that he doth

[11] Repugnant. [12] Patronage, support.

offend against God's will revealed. And why will ye not grant as much in this matter which now standeth in controversie? Because (say you) external crimes hath no affinitie with matters of religion; for the conscience of every man is not alike persuaded in the service and honoring of God, neither yet in such controversies, as God's worde hath not plainly decided. But I ask, If that be a just excuse why pernicious errors shall be obstinately defended, either yet that God's established religion shall be contemptously despised. . . . . We say, the man is not persecuted for his conscience that, declining from God, blaspheming his Majestie and contemning his religion, obstinately defendeth erroneous and false doctrine. This man I say, lawfully convicted if he suffer the death pronouced by a lawful Magistrate, is not persecuted (as in the name of Servetus ye furiously complein) but he suffereth punishment according to God's commandement pronounced in Deuteronomie, the XIII chapter.

In these "Cavillations," and the reformer's explanation of them as presented in this refutation, is found the clearest claim for liberty of conscience that appears in England at so early a date. It is worthy of mention that these claims occur in no plea for toleration. They come as expressions of opinion, called out in the discussion of Calvinistic tenets. It is distinctly a religious argument. Persecution is said to be foreign to Christianity because of the character of the Christian. An unusual distinction for that time is drawn between the civil and ecclesiastical realms. "Externall crimes hath no affinitie with matters of religion." Differences in religious thought are held to be inevitable and legitimate. It is held that "God's worde" is to be the authority for Christians, and that it is sufficient for thought and conduct, so that where it does not specify in particulars men have a right conscientiously to differ in opinion and practice.

Knox justifies such action as the execution of Servetus and Joan of Kent on the ground that Moses was justified of God in the slaughter of idolaters. He denies that to execute an obstinate heretic in a legal manner is persecution. Entirely oblivious of the New Testament conception of voluntary faith, he set up the thirteenth chapter of Deuteronomy as the valid Christian law for heresy.

In the year 1573 John Whitgift, who was afterward an archbishop, wrote "An Answere to a certen Libell intituled, An Admonition to the Parliament." Although the "Admonition,"

which he opposed, was written by Cartwright, Whitgift at least pretended to see in it signs of the Anabaptist heresy (B. M. 697, f. 11). This publication was addressed as an "Exhortation to such as bee in authoritye and have the government of the churche committed unto them whether they be civile or ecclesiastical Magistrates." In heaping ignominy upon the followers of Cartwright he associates them with the Anabaptists and describes the Anabaptists of Germany, concerning whom he claims to have information, in order that he may show how dangerous the views of this sect were. Of them he writes:

> They taught that the civile magistrate hath no authority in Ecclesiasticall matters, ... that he ought not to meddle in causes of religion and fayth. That no man ought to be compelled to faithe, and to religion. That Christians ought to punish faultes, not with imprisonment, not with the sworde, or corporall punishment, but only with excommunication. They complained much of persecution. (P. 15.)

While these doctrines are ascribed to the German Anabaptists, they are quoted by a most intelligent Englishman for the purpose of characterizing the party in England. This makes it safe to say that, so far as Whitgift then knew, this statement of the relation of the magistrate to ecclesiastical affairs was a fair statement of the English Anabaptists' position.

Ten years after the putting forth of this "Answere" (1583), and when he was in the midst of his official ecclesiastical labors, he preached a sermon in St. Paul's, making another reference to the heterodox teachings of these people. This mention is made in the following language:

> The second sort are the Anabaptists, who will have no government at al. And they ground their heresy upon the fifth to the Galatians: "Stand fast in the liberty wherewith Christ hath made you free." And again, "You are called unto liberty." . . . . This heresy of the Anabaptists is so evident that it needs no confutation.[13]

This might be regarded as a charge of anarchy, did we not know that the distinction now made between civil and ecclesiastical government was seldom admitted then, and that Whitgift's discussion was religious. In fact, under the Tudors denial of the magistrate's ecclesiastical jurisdiction was as much anarchy as the denial of his political power.

[13] STRYPE, *Annals*, Whitgift, Vol. III, p. 77.

Richard Hooker, in his "Ecclesiastical Polity," made his arraignment with greater discrimination:

> It is a loose and licentious opinion which the Anabaptists have embraced, holding that a christian man's liberty is lost and the soul which Christ hath redeemed unto himself injuriously drawn into servitude under the yoke of human power if any law be now imposed besides the gospel of Christ, in obedience whereunto the Spirit of God, not the constraint of men, is to lead us according to that saying of the blessed Apostle, "Such as are led by the Spirit of God are the sons of God," and not such as live in thraldom unto men. Their judgment is therefore that the Church of Christ should admit no law-makers but the evangelists, no courts but presbyteries, no punishments but ecclesiastical censures.[14]

This "loose and licentious opinion" rules the political government out of the religious sphere. All force in the church is regarded as un-Christian. The gospels are held to be the only religious lawbooks that are legitimate. The High Commissions and the Star Chambers were to be simple presbyteries. No more severe penalty should be executed than a church censure.

Of the preceding statements of the Anabaptists' teachings all save one come from hostile sources, and that one, John Knox' quotation of the "Cavillations," comes through a hostile source, though doubtless without change. It is reasonable now to assert that these representations are no more favorable to the advocates than the truth obliged their opponents to make them. Indeed, to these writers the doctrines they have thus set forth are entirely undesirable, and each expression of them is accompanied with a condemnation of the heresy or the heretics. They have exposed to view what they regarded as the darkest side.

The truth concerning a defendant's action may be arrived at best if an adversary is allowed to add his version of the case; but to learn most accurately concerning one's doctrines the plaintiff alone may be trusted to present the matter exactly. When, however, the opponents have so carefully disposed of the documents as in the case of the early Anabaptists,[15] the historian

[14] Keble ed., revised, Vol. III, Book VII, App. No. 1.

[15] King Henry VIII.'s proclamation to bring in seditious books (WILKIN'S *Consilia*, III, p. 776): "The King's most royal majestie being informed that sundry contentious and sinistre opinions have by wrong teachings and naughty printed books increased and grown within this his realm of England, ... and by such like books as have been

labors under multiplied difficulties. He even resorts to the evident misrepresentations of the enemy to find the nearest approach to a correct representation.

There is at hand another statement than that of the "Cavillations," and from a friendly source. The earliest advocates hailed from the continent. Many were fleeing from persecutions in France and the Netherlands. Queen Elizabeth received them, very much to the displeasure of the pope. Bishop Jewel defended the action of the queen, comparing the persecuted immigrants very favorably with the Spaniards who had immigrated in Mary's reign. "But," says Strype, "with these came over anabaptists also and sectaries holding heretical and ill opinions. . . . . And indeed several opinions and doctrines sprung from some of these foreigners, begin now, if not before, to be dispersed in the nation, dangerous to the established and orthodox religion and the civil government."[16] It is true that these were not the first arrivals of this sort, since they are mentioned as early as in the reign of Henry VIII. Among these immigrants were two who came from Flanders, and were apprehended with others, and taken before the magistrate and condemned to death. The large-hearted martyriologist Fox pleaded with the queen for their lives, but they were executed in 1575. They feared that their teachings would be misunderstood, and hence, in addition to their other communications, they wrote a confession of faith, while in the Marshalsea prison. The tenth article is as follows:

printed within this his realme, ... as by sundry strange persons called Anabaptists and Sacramentaries, which be lately come into this realme, ... the king's most royal majestie declareth and notifyeth to all his loving subjects that his highness like a godly and catholick prince abhorreth and detesteth the same sects and their abominable errors and opinions; and intendeth to proceed against such of them as be already apprehended according to the merits of the laws of his realme."

Under Elizabeth the Star Chamber decreed

1. "That no person shall print or publish any book against the queen's injunctions, ordinances, or letters patent, set forth or to be set forth, or against the meaning of them.

2. "That such offenders should forfeit all their books and copies, and suffer three months' imprisonment, and never practise the art of printing any more.

3. "That all forfeited books should be brought to Stationers-hall, and half the money forfeited to be reserved for the queen, the rest for the informer, and the books to be destroyed or made waste-paper." (NEAL, Vol. I, pp. 151 f.; refer *Life of Parker*, p. 221.)

[16] STRYPE, *Annals*, Vol. V, pp. 269 f.

We believe and confess that magistrates are set and ordained of God, Wisd. vi. 4, Sirach xvii. 18, Romans xiii. 1, to punish evil and protect the good: which magistracy we from our hearts desire to obey, as it is written in the first of Peter ii. 13, Submit yourselves to every ordinance of man for the Lord's sake. For he beareth not the sword in vain, Rom. xiii. 4. And Paul teaches us that we should offer up for all prayers intercessions and giving of thanks for all kings and magistrates; that we may lead a quiet and peaceable life in all godliness and honesty. For this is good and acceptable in the sight of God our Saviour, who desires that all men should be saved. 1 Tim. ii. 1, 2, 3, 4. He further teaches us to be subject to principalities and powers, to obey magistrates, and to be ready to every good work. Peter iii. 1. . . . . We likewise do no approve of those who resist the magistrates; but confess and declare with our whole heart that we must be obedient and subject unto them, as we have here set down.[17]

This confession was subscribed to by Jan Pieters and Hendrik Terwoort. Its aim probably was to correct the false opinion prevalent concerning their teachings about magistracy. Here the stress is laid on the acceptance of the civil functions of the rulers, no mention being made of their denial of the magistrate's ecclesiastical jurisdiction. The absence of the latter may be accounted for by the condition which is the probable cause of the presence of the former. Strype shows that they were regarded as enemies of the government. In rebuttal of this charge, which was leading them so surely to the stake, they strongly assert their subjection to the state in civil matters. In their dire distress they wish to avoid counteracting this impression by a denial of the state's right to rule in religion. Omission of the most objectionable part of their view was thus expected to produce the best result. But they were not sufficiently recreant to their trust to leave wholly unexpressed even this most objectionable heresy. Terwoort wrote a letter in which he presented a supplementary statement on the subject:

Observe well the command of God; Thou shalt love the stranger as thyself. Should he who is in misery, and dwelling in a strange land, be driven thence with his companions, to their great damage? Of this Christ speaks, Whatsoever ye would that men should do to you do ye even so to them; for this is the law and the prophets. Oh! that they would deal with us according to natural reasonableness, and evangelic truth, of which our persecutors so highly boast. For Christ and his disciples persecuted no one; but on the

[17] *Het Bloedig Toonel*, pp. 704–6, trans. in *Broadmead Records*, Addenda, pp. 507 f.

contrary Jesus hath thus taught, Love your enemies, bless them that curse you, etc. This doctrine Christ left behind with his apostles, as they testify. Thus Paul, Unto this present hour we both hunger, and thirst, and are naked, and are buffeted, and have no certain dwelling place; and labor working with our own hands; being reviled we bless; being persecuted we suffer it. From all this it is clear that those who have the true gospel doctrine and faith will persecute no one, but will themselves be persecuted.[18]

In this we have a simple scriptural claim for freedom from compulsion, arising out of their distressed condition. There is an arraignment of the persecution as being anti-Christian, and persecutors are boldly declared to be without the true gospel doctrine and faith. The admission of the magistrate's authority and the support due from the Christian subject are also enforced by Scripture quotation. No theory of government is elaborated, nor the least tendency to philosophical consideration observable.

Thus we identify England's earliest seekers after liberty of conscience. The sources of our information are few and imperfect. They do not justify us in asserting that the Anabaptists had their doctrines fully worked out in the times of the Tudors. Their views seem to have been passing through processes of formulation. On the other hand, many witnesses show that the heresy was beyond its incipient stages. A full liberty of religious thought was demanded. A purely scriptural argument was used. They inclined toward the use of the New Testament rather than the Old.[19]

[18] *Het Bloedig Toonel*, Deel II, pp. 694–712.

[19] Glimpses are afforded us of the position upon this subject of the early Anabaptists on the continent. I will call attention to two statements only. Hubmeyer, a leader of the Anabaptists of Switzerland and Germany in the early Reformation period, wrote a pamphlet "Concerning Heretics and those that burn them." In this he says: "The tares must grow together with the wheat. But the greatest heretics are the inquisitors themselves, for Christ did not come to butcher and to burn, but to preserve and improve. We must therefore pray for improvement, and hope for it as long as a man lives. A Turk or a heretic is not to be overcome by fire or sword, but by patience and instruction. The burning of heretics is an apparent confession but an actual denial of Christ." (W. W. EVARTS, "Balthazer Hubmeyer," *Am. Bapt. Review*, 1881, No. 10.)

Guy De Bres, writing in 1565, said that the Anabaptists differed in their views on the magistrate, some holding that he had no place in ecclesiastical affairs, while others bounded his sphere. (LA RACINE, *Source et foundement des Anabaptistes*, B. M. 4135 aa.)

There was arising at this time another class of thinkers that was frequently confounded with the Anabaptists. In fact, the agreement of these two sects in their acceptance of the idea of church independence and their early association argue their rise from a common stock. We are interested to learn whether they were in agreement on our subject or not. One of the leaders of this second class of dissenters was Robert Browne. In the year 1582 he published a pamphlet which bears the title, "A Booke which sheweth the life and manners of all true Christians &c. Also there goeth a Treatise before of Reformation without tarrying for anie, and of the wickedness of those Preachers, which will not reform themselves and their charge, because they will tarry till the Magistrate commaunde and compell them." (B. M., c. 37, e. 57.) It is the "Treatise before of Reformation, etc.," which is considered as expressing Browne's view of liberty of conscience. The title of this "Treatise" is sufficiently clear as to the nature of the subject handled, nor need one be confused by a perusal of the pamphlet. Beyond this a study of other pamphlets of this period shows conclusively the nature of the controversy that was on. The ministers of the established church were being pressed by the thinkers of Puritanical tendencies to begin a radical reform of the state church. The ministers admitted the need of reform, but pleaded their lack of authority to take any steps until the queen had taken the initiative. Browne writes this treatise opposing these "Wicked preachers," "blinde guides," in their waiting idly until the "Magistrate do force them." The necessity for this compulsion of the magistrate Browne greatly deprecates. "We holde all those Preachers and teachers accursed which will not do the duties of pastors and teachers till the Magistrates do force them thereto" (p. 1). He does not deprecate the use of force by the magistrate. In the very introduction he writes:

> Agayne we say that her [Queen Elizabeth's] authoritie is civil, and that power she hath as highest under God within her Dominions, and that over all persons and causes. By that she may put to death all that deserve it by Lawe either of the Church or commonwealth, and none may revyle Her, or the magistrates under her, by force or wicked speeches when they execute the lawes. Seeing we graunt and hold thus much, howe doe they charge us as evil willers to the Queene?

This statement is plainly apologetic. Browne and his followers had been charged with opposition to the government. He sees no reason for this charge, since he admits all that the queen asks. He concedes that she may execute the laws of the church as well as of the commonwealth. There are no persons or causes beyond the reach of her power. The heretic or nonconformist, being condemned to death by the laws of the church, may be delivered to the executioner by the state. Though there be the most rigid law of conformity, the queen may execute it, and woe be to the man who reviles her or complains of her severity.

To the same effect he writes on p. 12:

> We know that Moses might reforme, and the Judges and Kings which followed him, and so may our Magistrates; yea they may reforme the Church and commaunde things expedient for the same. Yet they may do nothing concerning the church, but onelie civilie, and as civile Magistrates i. e. they have not that authoritie over the Church as to be Prophetes, or Priestes or spiritual Kings, as they are magistrates over the same; but onelie to rule the commonwealth in all outwarde justice, to maintain the right, welfare and honor thereof, with outwarde power, bodily punishment and civill forcing of me.

The theory that the examples of religious compulsion accredited to the Old Testament worthies justifies persecution in the Christian state was held by Browne. He even goes so far as to state explicitly that, as Moses and the Judges and the Kings had a right to foist a religious reform movement on the people, so might the English rulers do the same. Yet Browne presses one distinction. The magistrate must not be the religious teacher or spiritual leader. In that sense he cannot be a Moses, nor a Joshua, nor a Josiah. He was to be a "civile" officer in the sense of being an executive officer. The church should furnish its own spiritual guides, and they should have authority in its instruction and legislation. The magistrate then stepped in to execute the laws. He was "to maintain the right, welfare and honor" of the church, "with outwarde power, bodily punishment and civill forcing of me." The ordinary division of governments as seen in the progress of this contest is into ecclesiastical and civil. The ecclesiastical includes all affairs that

pertain to religious thought and conduct, whether of the church or the individual. Its realm is coextensive with that of religion. All else is civil. Browne has made a classification of his own. He recognizes the spiritual and the civil. With him the civil has invaded the ecclesiastical realm, that is, the execution of ecclesiastical laws he regards a civil function. Another distinction Browne makes. It is between the propagation of the Christian religion and the maintenance of it. The government must not propagate religion, but must maintain it when once accepted. He teaches that the government of a Christian nation is to look to the interests of the church, since that is its charge. The gospel, however, must not be preached with the sword. Christianity must gain its ascendency over a people before the government is charged to look to its interests.

> And therefore also because the church is in a commonwealth, it is of their charge; that is concerning the outward provision and outward justice, they are to look to it; but to compell religion, to plant churches by power and to force submission to Ecclesiastical government by lawes and penalties, belongeth not to them as is proved before, neither yet to the church.

From a comparison of this sentence with the preceding quotations it appears that this is either a direct contradiction of the view before expressed, or he here refers to the reception of Christianity into a community. If the former be true, his entire expression of opinion on this subject is worthless. That the latter is more likely to be his thought is suggested by his use of the phrase "to plant churches by power," and by the fact that he has not even attempted to prove that compulsion had no place in religion. On the other hand, he says distinctly: "Goe to therefore, and the outwarde power and civile forcings let us leave to the Magistrates."[20]

[20] Concerning the objects of the magistrate's power, the distinctions of "outward" and "inward" are somewhat obscure. The significance attached to them by the Independents, and consequently the Brownists, is commented upon in an important document of the Congregationalists known as the "Platform of Church Discipline, agreed upon by the Elders and Messengers of the Churches assembled in the Synod of Cambridge, in New England, 1649" (MATHER'S *Magnalia*, II, 211 f.). In it the following occurs: "The objects of the power of the magistrate are not things meerly inward, and so not subject to his cognizance and views: as unbelief, hardness of heart, erroneous opinions not vented, but only such things as are acted by the outward

Browne's opposition is directed entirely against "those Preachers that will not reform themselves nor their charges, because they will tarie till the Magistrate commaunde and compell them," not against magistrates for forcing the conscience. It is rather against the preachers for not forcing the morals of the people. "Goe to therefore, ye tolerating Preachers, this you get by your tolerating, to have no name among the righteous nor to be of the bodie of the church" (p. 17). He objects to these ministers obtaining civil authority, but in no sense holds that the magistrates should drop any one of their acquired functions. He holds that the magistrate has not the spiritual function of the prophet or priest, but he also holds that the magistrate has authority over the church, and over the lives of his subjects to force upon them religious action. He mentions imprisonment for heretical teaching, and the use of force by the magistrate in cases of conscience, but does not take the space to condemn either.

Notwithstanding all this, a late and very profound historian, Henry Martyn Dexter, ascribes to Robert Browne "the proud pre-eminence of having been the first writer clearly to state and defend in the English tongue the true — and now accepted — doctrine of the relation of the magistrate to the church."[21] For proof he refers to the pamphlet just considered. It is true that Browne regarded the magistrate as under the spiritual guidance of the prophet or preacher, and held that the gospel should be accepted through proclamation, not through compulsion; as also that the church should reach its own decisions in its affairs. But

man: neither their power to be exercised in commanding such acts of the outward man, and punishing the neglect thereof, as are but meer inventions and devices of men (1 Kings xx. 28, 42) but such acts as are commanded and forbidden in the word; yea such as the word doth clearly determine, tho' not always clearly to the judgment of the magistrate or others, yet clearly in itself. In these he of right, ought to put forth his authority, though oft-times actually he doth it not. Idolatry, blasphemy, heresie (Deut. xiii; 1 Kings xx. 28, 42), venting corrupt and pernicious opinions, that destroy the foundation (Dan. iii. 29), open contempt of the word preached (Zech. xiii. 3) profanation of the Lord's Day, (Neh. xiii. 31) disturbing the peaceable administration and exercise of the worship and holy things of God (1 Tim. ii. 2) and the like, are to be restrained and punished by civil authority."

[21] *Cong. as Seen in its Literature*, p. 101.

he taught that the magistrate should enforce these decisions upon the people. Browne has not only failed to "clearly state and defend . . . . the true—and now accepted—doctrine of the relation of the magistrate to the church;" he has not even left enough unsaid to create the impression that it was possible for him to have held such a doctrine. The claim that Browne differed from his followers in this particular does not seem plausible, since no mention of such a difference occurs, and had it existed it would have been an important matter.

Robert Harrison, Browne's most intimate associate during the days of his unorthodox teachings,[22] discussed the same subject that aroused the opposition of Browne, namely, "Whither the Prince or the people ought first to beginne reformation in the Church?" He says:

> In the name of God let Cæsar have whatsoever unto him belongeth, even all civile power and Dominion ordayned of God. And woe unto him, saye I, whiche shall holde this and teach men so, that there is no use of the Magistrates sworde among Christians. . . . . Therefore I am thus persuaded that as the Kings of Juda did reforme by their civile power those things which outwardly were sett up for abominations; namely as they did break down the altars, cut down the groves, burne the images with fire, slaye the priestes of Baal, and such like thinges; so also it appertaineth to the magistrates now to break down the idolitrous altars, plucke downe their buildinges, burn their images with fire, and to slay those who have revolted from Christianity to idolatrie.[23]

Such a virulent antagonism to religious freedom would appear strange in the boon-companion and chief assistant of a great advocate of liberty of conscience. The fact that Harrison and Browne agreed upon the doctrine that the kings of Judah were worthy examples to the Christian magistrate in this particular makes probable their agreement in the practical application of this theory.

Charges were made against the Brownists relative to this very heresy. Specimens of these charges, together with the

[22] Browne renounced his principles of separation in 1589, and became a rector of a church in Northamptonshire. This did not cause the obliteration of the doctrines he formerly taught, however. The Brownists continued their propagation. (NEAL, *History of Puritans*, Vol. I, p. 246.)

[23] *A Little Treatise upon the firste verse of the 122 Psalm.* (B. M. 3090, a. 15 (1583).)

replies of the Brownists, will assist in the discovery of their real position. In 1589 Robert Some, a controversialist of note, published his "Godly Treatise wherein are examined & confuted many execrable fancies, given out and holden partly by Henry Barrow and John Greenwood; partly by other of the Anabaptistical order" (B. M., bbb. 17). In this he presents "A Table of Certaine grosse and Anabaptisticall fancies, given out and holden by the Anabaptisticall recusants":

1. That Queene Elizabeth ought to abolish the Universities of Cambridge and Oxford.

2. That the Ministers of the Gospell must live ex mera eleemosuna, that is, of mere alms.

3. The church need not to stay for the Prince in reforming of any abuse; but may reforme it, though the Prince say No.

4. That a christian Prince hath no authoritie to make godly Ecclesiastical lawes in his Dominions.

In replying to fancy No. 4, Some makes evident his lack of clearness in regard to the opponents of the establishment. He asserts that "the popish & Anabaptisticall sort doe allow unto Christian princes, potestatem facti sed non juris, that is, they wil not allow christian princes to make and publish godly ecclesiasticall lawes: but they are content that christian princes shall defend and put in execution such ecclesiasticall lawes as are made by them." Granting that Some has been exact in his statements of the views of Barrow and Greenwood on these points, his use of the terms "popish" and "Anabaptisticall" causes one to suspect that he puts all dissenters into one category, and makes Barrow and Greenwood sample specimens of the whole.

More definitely, but not more accurately, George Gyffard, minister at Maldon, attempted to prove that the Brownists were Donatists. In so doing he charged them with teaching that

Princes are not to make Lawes for church matters. Princes are not to reforme the church by their authoritie; Princes are not to compell their subjects to the true worship of God by penalties; If Princes pleasures are to be attended where is the persecution we speak of: None of the godlie Kings of Judea durst compell anie to the covenant. The people of Christ's kingdom are spontanei, such as come of their own accord, etc.[24]

[24] *A Plaine Declaration that our Brownists be full Donatists.* (B. M. 697, c. 27, p. 64.)

How just the charges of these ministers of the establishment were may be learned from the further writings of the Brownists. A pamphlet appeared in 1589 which purports to give the doctrine of M. Penri, and also the author, I. G., who is thought to be John Greenwood. Its title is "M. Some laid open in his coulers wherein the indifferent reader may easily see howe wretchedly and loosely he hath handled the cause against M. Penri" (B. M. 1848, a. 10, p. 17). Quoting from M. Some, the writer, I. G., presents the following sentence in italics: "*A godly Prince* (*saith he*) *may and ought to compell his subjects* (*if any refuse*) *to the external service of God.*" Taking this as his subject, I. G. comments upon it:

> This being a matter so notably and so thoroughly handled alreadie by M. Fulke and M. Wyborne against Howlet that almost there cannot anything be added to that which they have sett downe. I muse that your D. would be at cost to print us a new Almanacke of the last yeare; I do not know any that professe the holy religion of God in soundnesse and sinceritie that will deny this. And therefore I dare say for M. Penri, that he wil willingly with hart and hande subscribe to it, yea and I thinke he will if need be adde one clause more to it for the farther strengthening and confirmation of the prince's authoritie, vz. that the same Prince that hath power de jure to do this, ought also to compel every preaching minister to be ordinarily resident on his charge; And if it were put in execution I thinke that M. Some and some others should not be suffered to rove and range up and downe as they doe, neglecting their charges and breathing after chaplainship, promotions and I knowe not what.

This counter-charge against M. Some probably induced his attack on Barrow and Greenwood in the "Godly Treatise." Some's arraignment of M. Penri was probably the first of these documents to come out. I. G. then answered Some, denying that Penri was a heretic on the doctrine of the magistrate. This occurred in the year 1589. Before this year was past the "Godly Treatise" appeared. In this Barrow and Greenwood are not represented as advocating the radical views on the doctrine of the magistrate that were attributed to Penri. Browne's position rather was ascribed to them, to the effect that the minister had authority in beginning a reform movement without waiting for the magistrate to act; and, further, that, while the prince might make no ecclesiastical laws, he should execute those made by the church.

In the year 1592 many of the Brownists were imprisoned. Among this number were Barrow, Greenwood, and Francis Johnson. From these imprisoned people two important documents come. One was addressed to the lord treasurer and the other to her majesty's privy council. The latter makes special mention of Greenwood and Johnson as being of the persons from whom the communication came. After recounting their sufferings in this, they say further:

> It were long to relate to your honors all their [the persecutors'] secret drifts and open practises, whereby they seek to draw us into danger and hatred; as by their subtle questions propounded, not having or knowing any matter to lay to our charge; by subordinate conference, now almost three years since, sent into the prisons to well nigh sixty faithful christians, whom they there against all law, and without all cause, detained; by indicting us upon the statutes made for disloyal, idolatrous, recusant papists though they know that we sincerely hold all the grounds of religion, published by her majesty in harmony of confession, and never refused any wholesome doctrine or truth, shewed us in God's word, but only withstand such popish enormities as they bring in and urge, contrary to the word of God; by defaming and divulging us as anabaptist, though they be not able to charge us with any one of their errors to our faces; as Donatists and schismatics, though we have christian faith; as seditious, covenant breakers, though they still by their tyrrany drive us into these secret places and meetings; as abridgers and encroachers on the royal power of the queen — though we from our hearts acknowledge her sovereign power, under God, over all persons, causes, and actions, civil or ecclesiastical — though we gladly obey, and never willingly break any of her godly laws; though we never attempted either secretly or openly of ourselves to suppres or innovate anything, how enormous soever, by public authority established, patiently suffering whatsoever the arm of injustice shall do unto us for the same; doing such things as Christ hath commanded us for the same; doing such things as Christ hath commanded us in his holy worship, but always leaving the reformation of the state to those whom God hath set to govern that state; yet we are all accused as pernicious to the state and public peace.[25]

From these answers of the Brownists it is ascertained that the charges of George Gyffard were unfounded. Also, that Some's arraignment of Penri was uncalled for; but that the latter's statements concerning Barrow and Greenwood were fairly accurate. Some's attempt to associate the name Anabaptist with them was resented, as Gyffard's charge of Donatism was

[25] STRYPE'S *Annals*, Vol. IV, pp. 127–36.

repudiated. The supporters of the establishment were justified in charging the Brownists with heretical views on the doctrine of magistracy, though the Brownists did not at all concede the right of private judgment.

A formal doctrinal confession of the Brownists, put forth in the year 1596, is decisive enough to put this matter entirely at rest. Its title runs thus: "A True Confession of the Faith, and humble acknowledgement of the alegeance which we hir Majestie's Subjects, falsely called Brownists, doo hould towards God and yield to hir Majestie and all other that are over us in the Lord" (B. M. 4103, c.). The thirty-ninth article reads:

> That it is the Office and duty of Princes and Magistrates, who by the ordinance of God are supreme Governors under him over all persons and causes within their Realmes and Dominions, to suppress and root out by their authority all false ministeries, voluntarie Religions counterfeyt worship of God, to abolish and destroy the Idoll Temples, Images, Altares, Vestments, and all other monuments of Idolatrie and superstition and to take and convert to their civile uses not only the benefit of all such idolitrous buyldings & monuments, but also the Revenues, Demeanes, Lordships, Possessions, Gleabes, and maintenance of anie false ministeries and unlawfull Ecclesiasticall functions whatsoever within their Dominions. And on the other hand to establish & mayntein by their lawes every part of God's word, his pure religion and true ministerie to cherish and protect all such as are carefull to worship God according to his word and to lead a godlye lyfe in all peace and loyaltie; yea to enforce al their Subjects whether ecclesiastical or civile to do their duties to God and men, protecting & maynteyning the good, punishing and restreyning the evil according as God hath commanded, whose Lieutenants they are heer on earth.

Although it is not a matter of controversy, it is certainly of interest to locate the position in this contest of the leaders of the Genevan movement, which resulted in Presbyterianism. John Knox has already expressed himself in his "Answer to a Great Nomber of Cavillations" (pp. 19–21). He has placed himself in line with those who use Old Testament persecutions as examples for Christian rulers. That Thomas Cartwright heartily agreed with Knox upon this subject may be seen by the examination of either of two pamphlets. His "Replye to an answere of M. Doctor Whitgift Agaynste the admonition to Parliament" (B. M. 108, b. 4) contains a lament that Whitgift should try to

associate his own "brethren" with the hated Anabaptists, adding specifically that "as for Magistrate and authoritie / we acknowledge the lawfulnesse / necessitie / and singular commoditie of it / we commende it in our ceremonies to others / ." This denotes his full acceptance of the magistrate's claims and his advocacy of the established theory. The second pamphlet was put out in 1648, long after Cartwright's death, and at the time when this contest was at its height. Its purpose was to sustain the position the Presbyterians then held, by the aid of Cartwright's authority. It is entitled "Helpes for Discovery of the Truth in point of Toleration, being the Judgment of that eminent Scholler Tho. Cartwright" (B. M., E. 423(19)). This production consists of quotations from Cartwright's writings which touch upon the subject. Two passages will suffice to express his thought:

> Now seeing there is a sword in the magistrate's hand by the doctrine of the Apostles; and that also which the magistrate must draw; I would gladly know where that necessity of drawing this sword can be found, if it be not in these crimes of Blasphemy &c. which I have set downe?

Again:

> And therefore as the short and easie way to dry up the channells and Rivers is to stop up the head and fountaine of all, so the only remedy of purging the commonwealth of these mischiefes, is to bend the force of sharp and severe punishments especially against Idolaters, Blasphemers, Contemners of true Religion, and of the Service of God (p. 7).

Cartwright[26] was in substantial agreement with Calvin, Knox, and Beza, whom he quoted. As a sect the Genevans in England held rigidly to conformity as a theory, while they could not harmonize with the establishment.

John Hooper, the noble martyr who suffered in Queen Mary's time, is frequently mentioned as an early advocate of freedom of conscience. And it is true that he made a distinction between civil and spiritual obligations.[27] The tribute due to God he would not have rendered to the king. Moreover, he complained

[26] "But the reformers, as well Puritans as others, had different notions. They were for one religion, one uniform mode of worship, one form of discipline or church-government, for the whole nation, with which all must comply outwardly, whatever were their inward sentiments; it was therefore resolved to have an act of parliament to establish a uniformity of public worship, without any indulgence to tender consciences." (NEAL, *History of the Puritans*, Vol. I, p. 95.)

[27] Found in his "Declaration of the X holie Commandments" (*Hooper's Early Writings*, Parker Society).

that the princes persecuted "the gospel and the gospel-like use of the sacraments." This complaint was not strange, since he was not in accord with the views of the church. But he did not go so far as to advocate the right of private judgment. He had no sympathy with dissent. Nothing seemed more desirable to him than that a good king should forward religious affairs as he, Hooper, saw fit. He says:

> Among all other most noble and famous deeds of kings and princes, none is more godly, commendable, nor profitable than to promote and set forth unto their subjects the pure and sincere religion of the eternal God, King of all kings and Lord of all lords. . . . . But the more this noble fact is glorious, godly and princely, the more difficile and hard it is; for the enemy of God and of all mankind, the devil, customably is wont to deceive the princes of the world so that they utterly neglect the religion of the true God; as a thing foolish and of no estimation, either provoke them cruelly to persecute it.[28]

Hooper took a prominent part in the administration of ecclesiastical affairs during the reign of Edward VI. There were some who thought it wise for the councilors to wait until the king's maturity before taking active measures in religious reform. Hooper spoke sternly:

> Let those diabolical sounds and speakings of evil men nothing trouble your highness nor your wise and godly councillors. "As long as the king is in his tender age his council should do nothing in matters of religion." For those men's foolishness, rather I should say malice is condemned by the word of God, that teacheth how a king in his young age with his wise and godly council should abolish idolatry and set forth the true and godly religion of the living God. Thus declareth the notable and godly fact of Josias that followed the religion of his father, not Ammon the idolater, but of David nor declining to the right hand neither to the left hand. (Pp. 437 f.)

The most that could possibly be claimed for Hooper, as also for many others of his time, is an unsettled state of mind relative to this question, resulting from his attempt to reconcile the Old Testament idea of magistracy with the desire to introduce reforms into the worship speedily. His belief in the doctrine of the king's authority over all persons and causes, both civil and ecclesiastical, was unshaken, yet his own position as a dissenter from the established worship made it impossible for him to appreciate all the logical consequences of his hypotheses.

[28] "An Oversighte and deliberacion uppon the holy prophet Jonas" (*Hooper's Early Writings*, Parker Society, p. 435).

CHAPTER II.

EARLY STUART PERIOD.

At the accession of the Stuarts in the person of James I. the Puritans were sanguine as to the future of their cause. The king's former connection with the Scottish Calvinists, and his early favorable replies to their addresses, gave occasion for high hopes. Though these prospects caused them to rejoice, their later experiences occasioned depression. James himself was either flattered as being disposed to leniency or was really thought to be disposed to it. He was commended by the non-conformists for not being bloodthirsty; while at the same time his ecclesiastical advisers were accused of urging him to religious despotism. As he came so early in his reign to hold his now well-known maxim, "No bishop, no king," it seems probable that he was never really sincere in his protestations of sympathy for English dissenters. His son and successor, Charles I., was educated with great care. James gave personal attention to his training. This resulted in Charles I. being the most learned and the most stubborn ruler of the Stuart line. His high pretensions and bigoted zeal formed the barrier which occasioned the rise of Cromwell and the consequent explosion of the theory of the divine right of kings. It was within this period that England's first great advocates of liberty of conscience came forward.

Coincident with the beginning of the Pilgrim movement at Scrooby, John Smyth, frequently called the Se-baptist, was actively propagating dissenting principles also in Lincolnshire. He, too, went to Holland and made his home in Amsterdam. It is not my purpose even to outline the movement to which he gave rise, but to mention that from his party there seem to have arisen strong factors for the campaign against persecution. John Smyth did not himself live to escape from this self-imposed exile. He did not even effect an organization of any permanence in Holland. His own views even were not well settled. Though

a dissenter, he was a university man of no small culture. The new light which was rapidly dawning on his susceptible mind led him from one advanced position to another with great celerity. From conservative orthodoxy he plunged into Anabaptist heresy. His name has been found signed to a confession of faith, consisting of thirty-eight sections. The thirty-fifth section concerns the doctrine of magistracy. In it he declares that "this office of the worldly authority the Lord Jesus hath not ordained in his spiritual kingdom, the church of the New Testament, nor adjoined to the offices of his church."

This expression of opinion makes it probable that from him has descended a line of active propagators of this doctrine. Of the associates of Smyth in this religious enterprise a remnant returned to London and there established a congregation. We possess but little information concerning them. John Robinson, the pastor of the Scrooby congregation at Leyden, felt it his duty to oppose some of their tenets, and so wrote an answer to their confession of faith, published in 1614, quoting from its pages. He reports them as holding

that Christ's disciples must love their enemies and not kill them; pray for them and not punish them, and Christ's disciples must with him, be persecuted, afflicted, murdered and that by the authority of the magistrate. That the magistrate is not to meddle with religion or matters of conscience nor to compell men to this or that form of religion; because Christ is the King and Lawgiver of the church and conscience.[29]

The original document containing the thought and a part of the sentences as quoted by Pastor Robinson is in Dutch, and has recently been translated into English by Dr. Müller, of Amsterdam, and printed in the Appendix to B. Evans' "Early English Baptists" (Vol. I, pp. 257 f.). This statement of Robinson is most explicit and satisfactory. Article LXXXVI of the confession of faith asserts

that the magistrate, by virtue of his office, is not to meddle with religion or matters of conscience, nor to compell men to this or that form of religion or doctrine, but to leave the Christian religion to the free conscience of every

[29] *Of Religious Communion, Private & Publique, Also a Survey of the Confession of Faith pub. by the remaynders of Mr. Smithes Company*, pp. 128 f. (B. M. 4323, b.)

one, and to meddle only with political matters (Rom. xiii. 3, 4) namely, injustice and wrong of one against another, so as murder, adultery, theft and the like; because Christ alone is the King and Lawgiver of the church and the conscience. (Jas. iv. 12.)[30]

They further declare, in the next article,

that the magistrate, so far as he will follow Christ and be his disciple, ought to deny himself take up his cross and follow him. He must love his enemies and not kill them; pray for them and not hate them; feed them and not let them die from hunger; he must visit them in prison, but not throw them there; he must not banish them out of the country, nor divest nor rob them of their goods, or appropriate them to himself. He must suffer with Christ, be scolded, slandered, flogged, beaten, spit on, imprisoned, and put to death with Christ, and that by the power of the magistrate, which it is impossible to do, and to keep the sword of vengeance.

This clear outline of the magistrate's duties as a magistrate and as a Christian was a conspicuous part of the heresy of this insignificant band of English Anabaptist refugees in Holland.

Pastor Robinson charges the writing of this confession upon Thomas Helwys,[31] who became the leader of the congregation

[30] Masson, in commenting on the declaration of faith put out in 1611 by these English Anabaptists in Amsterdam, calls attention to the expression, "The magistrate is not to meddle with religion," etc. He says: "It is believed that this is the first expression of the absolute principle of Liberty of Conscience in the public articles of any body of Christians. (DAVID MASSON, *Life of John Milton*, Vol. III, p. 101.)

[31] The doctrine of Thomas Helwisse is preserved to us in *An Advertisement or admonition unto the Congregations which men call the New Fryelers, in the lowe Countries, written in Dutche and Publiched in Englis.* This was printed in 1611. (B. M. 702, c. 32.) He treated "Magestracie" as his fourth subject. Holding that magistracy is ordained of God, and that the magistrate can be a Christian, he further asserted: "Hence it cometh that the Pope saith, loe heere is Christ, and seekes to force all to followe Christ with him. And the Bishopps they say loe heere is Christ and they seeke to compell all to followe Christ with them. The Presbytarie they say, loe heere is Christ, and they will constraine all to followe Christ with them, we passe by the most ungodly & unwise Familists and scattered flock that say he is in the desert, that is no where to be found in the profession of the gospell according to the ordinances thereof until their extraordinary men (they dream of) come, which shall not be, until there come a new Christ & a new gospell. And you to whom we especially write you say loe heere is Christ and you would have all to followe Christ with you. Now in these troublesome dayes which our saviour Christ hath foretold of, and, are now come to passe, wherein if it were possible, the very elect should be deceaved let all the godly stay themselves upon that blessed counsel of our saviour Christ who saith unto all that will followe him, take yee heed, behold I have shewed you al things before. Mark 13, 23 which is by his word, and therefore thither onely, must we go and followe no men." (Pp. 51, 52.)

and conducted it back to England. This Helwys, or Helwisse, was quite successful in establishing his people in London. From this inception the views he sustained have never been eradicated from that city. It is from this once wandering, but now returned, company of sectaries that the first great plea for liberty of conscience is thought to have come.[32] Thus much only is known: Leonard Busher was an Anabaptist, a citizen of London. The only information concerning his literary career is that in 1614 he published his "Religious Peace, Or a Plea for Liberty of Conscience." It was presented to King James and the high court of Parliament.[33] Of this document there are thirty-four octavo pages in the reprint of 1646. It has the character, not of a plaint, but of an argument. The author sought for no personal or party favor, but for human rights. He pleaded an authority higher than that of man. The reasons adduced in this remarkable argument may be concisely stated as follows:

1. "Christ has not commanded to persecute the people for difference and judgment in matters of religion," but has "commanded his bishops and ministers to persuade Prince and people to hear and believe the gospel by his word and spirit, and to beseech Prince and people to be reconciled to God."

2. The tares should be allowed to grow together with the wheat.

3. If persecution is practiced, true ambassadors of Christ are liable to suffer the severest penalties.

4. Christ came into the world to save men, not to destroy them.

5. Persecution is an offense to those who are not Christians, and will keep Jews, Turks, and others from knowing the gospel.

6. One cannot try the spirits to see whether they are of God, "except they heare and read other men's doctrines as well as the Bishops and their ministers."

7. If freedom of conscience is not allowed, all that hold the apostolic faith and all strangers in the land must depart or their lives be in danger. This would be a great national loss.

[32] "Now, this Helwisse, returning to England shortly after 1611, drew round him as we saw, the first congregation of General or Arminian Baptists in London; and this obscure Baptist congregation seems to have become the depositary for all England of the absolute principle of Liberty of Conscience expressed in the Amsterdam Confession, as distinct from the more stinted principle advocated by the general body of Independents. . . . . It was, in short, from their little dingy meeting-house, somewhere in Old London, that there flashed out, first in England, the absolute doctrine of Religious Liberty." (MASSON, *Life of John Milton*, Vol. III, p. 102.)

[33] B. M. E. 334, and *Tracts on Lib. of Con.*, Hansard Knollys So.

8. If persecutions continue, the "state will have many dissemblers in authority and office, since most will conforme for feare of persecution."

9. Forcing the people to attend worship at the church is not bringing them to faith and piety.

10. "Some men believe not at the first hour, but may at the eleventh, if not persecuted to death before."

11. Truth unresisted will prevail.

12. Persecution is a mark of the beast.

13. Persecution for religion is forcing the conscience and tyrannizing over the soul, as well as over the body, and causes men to make a shipwreck of faith.

14. His majesty and Parliament object to having their consciences forced by the bishop of Rome and his princes.

15. "Kings and magistrates are to rule temporall affairs by the swords of their temporall kingdoms; and Bishops and ministers are to rule spirituall affaires by the Word and Spirit of God; the sword of Christ's spiritual kingdom, and not to meddle with another's authority, office and function."

16. "If the beleeving should persecute the unbeleeving to death, who should remain alive? then none but the beleeving should live in the world, and the unbelieving should dye in their unbelief and so perish forever."

This document presents to us no imaginative utopian dream The author finds his hypotheses in the established Christian system. The entire nation had committed itself to that system. Men were engaged in interpreting it rather than questioning its foundations. With universally admitted hypotheses, he thrust forth his relentless logic. With Christianity admitted, he urged the teachings and practice of Christ. He affirmed that the Word should be proclaimed and people reconciled to God through faith. Christ came to save, and would have every obstacle to the spread of the gospel removed. The evil and all unbelievers are to be allowed every opportunity for repentance. Attendance upon church worship is no substitute for faith and piety. Persecution endangers the soul by pressing it into hypocrisy. In an equal contest truth will gain the victory.

Very concisely does he present his reason for advocating this cause:

Therefore permission of conscience and liberty of the gospel in our land of Great Britain, wil mightily further the advancement of the Apostolic faith, and chiefly their bookes whereout sufficient matter will be drawn for the convincing of every particular Religion which is against the Religion established by Christ and his Apostles, who by all means lawfull, sought the conversion

and the salvation both of Jews and Gentiles. And they are unconstant and faithless men, or at least very ignorant, that think error will overcome and prevail against the truth. (P. 22.)

These thoughts seem trite to Protestant Christians at the close of the nineteenth century, but they sounded strange at the beginning of the seventeenth. Such frank interpretation of Scripture Luther, indeed, had indulged in for a few months, but, in England, nothing of this nature antedating it escaped the flames of the government searchers.

At the beginning of this address we are given a glimpse of the line of thought through which Busher was led to his uncompromising position on liberty of conscience. He there says:

In all humility therefore I give you to understand that no Prince or People can possible attaine that one true Religion of the Gospel, which is acceptable to God by Jesus Christ, meerely by birth, (*a*) for Christ saith, Except a man be born again he cannot see the kingdom of God. Also the Apostle James saith, (*b*) Of his own will begat he us by the word of God who liveth and endureth forever. Therefore Christ commanded this word to be preached to all nations, that thereby they may attain the new birth; for then all Princes and peoples, in all nations, should have the one true Religion of the Gospel, the which you see and grant they all have not, yet many of them will defend their Religion (wherein they were born) by fire and sword, as if it were their natural and earthly inheritances; or had with fire and sword been gotten, and therefore will with fire and sword maintain and defend it. But your majesty and Parliament may please to understand that the scriptures doe teach that the one true religion is gotten by a new birth, even by the word and spirit of God, and therewith also it is only maintained and defended. (P. 1.)

But arguments arising from religious principles do not exhaust Busher's "Plea." He considers also the national effects. He advances the claim that all who hold the apostolic faith, that is, the very best people, are forced out of the country by these persecutions. More than that, foreigners in the land must leave, since they are in danger. And, in point of fact, England lost much of her best blood in the Pilgrim and Puritan migrations to New England. Further, the state was warned that it would suffer from dissemblers in office, which its own policy was producing. The king and Parliament were appealed to on the ground of consistency. Even they objected to the pretentious claims of the papacy. Then why should they make similar demands upon the people?

This pamphlet is worthy a place among the most famous writings of English literature. It is not contained in the realm of polite literature, nor is it remarkable for beauty or elegance of expression; but who has considered a loftier theme, advocated a more unpopular cause, and yet put forth a work calculated to produce so beneficent an effect? Our greatest literature is the clearest expression of our highest thoughts. In this polemic we have a pioneer in an unfrequented region of thought, presenting boldly, though in the face of danger, and with clearness and force, a most noble conception. No limited and time-serving toleration is advocated. No impure or unworthy motive is pleaded. No narrow and partial privilege is sought. We see a man, with the dignity of manhood, laying claim to human rights. We see a Christian, with faith in truth, as he has faith in God, pleading the cause of free thought and free speech. We behold a lofty soul, animated with brotherly love, seeking to remove the obstacles to the highest attainments in virtue and blessedness.[34]

This work of Leonard Busher had not been long out of press before another important treatise on the subject appeared. "Religious Peace" was calculated to cause much comment and questioning. While no elaborate answer to this is recorded as appearing immediately, it cannot be possible that it did not arouse opposition instantly. Counter-arguments were doubtless advanced, whether they appeared in print or not. Such attacks as are likely to have been made were offset by the pamphlet, "Objections answered by way of a Dialogue, wherein is Proved,

By the Law of God,
By the law of our Land,
And by his Majesties many testimonies

That no man ought to be persecuted for his religion, so he testifie his allegiance by the Oath appointed by Law."[35] No copy of

[34] "The Baptists were foremost in the advocacy of religious freedom, and probably to one of them, Leonard Busher, citizen of London, belongs the honour of presenting in this country the first distinct and broad plea for liberty of conscience. It is dated 1614, and is prefaced by an epistle to the Presbyterian reader; and a very remarkable epistle it is, deserving a renown which it has never acquired." (STOUGHTON, Vol. II, p. 221.)

[35] CROSBY, *Hist. of Eng. Bapt.*, Bodlian, Tanner (45).

the first edition of this work (1615) is known to be extant. As published under another title in 1662, it contains eighty-six octavo pages, and consists of a prefatory "Epistle" and the dialogue. The signature which follows this "Epistle" appears in the following form: "By Christ's unworthy Witnesses His Majesty's faithful Subjects Commonly (but most falsely) called Anabaptists." The authorship of this is ascribed by several historians to John Murton, a citizen of London and the writer of several pamphlets. The authorship is believed to have been discovered by the methods of the higher criticism.[36]

That this document is intended to supplement the preceding one is suggested, not only by the general character of it, but by the particular arguments. Even in the introductory epistle, which is a direct plea for liberty of conscience, thoughts we have not met hitherto are presented, as the following, for example:

> For if this be a truth, that kings of the earth have power from God to compell by persecution all their subjects to believe as they believe, then wicked is it to resist, and the persecutions of such are justly upon them, and the magistrates that execute the same are clear from their blood and it is upon their own heads.

The very clearness and frankness of this statement of the case indicate the sincerity and courage of the writer. Then in a reference to the bishops he presents the main religious argument of the opponents:

> And whereas they have no other colour or ground out of the scriptures, than that they have canonized a law, vis "That whosoever shall affirm that the king's majesty hath not the same power over the church that the godly kings of Israel had under the law, let him be excommunicate ipso facto."

He does not even neglect the adiaphoristic argument,[37] but turns it to account strongly in his demand for liberty of thought and worship.

[36] E. B. UNDERHILL, *Tracts on Lib. of Con. Int.*, and H. M. DEXTER, *Congregationalism, as seen in its Lit.*, Bibliography.

[37] The adiaphoristic controversy arose in Germany in connection with the attempt of the Catholics and Lutherans to arrive at some conciliatory agreement. The Leipzig Interim, which was drawn up chiefly by Melanchthon, recognized certain things as indifferent. The use of candles, altars, crucifixes, etc., were so declared. In this instance the conclusion arrived at was that these things which might be used without making any difference might be enforced upon the people. The conclusion drawn by Busher was that of all the things that a man should be made to do the indifferent should be last.

And if it be a law for all christians that in indifferent things one must not offend another, but the strong forbear rather than offend his weak brother, otherwise he wounds the weak conscience and sins against Christ; then how much less hath any man power to be lord over the weak conscience, forcing it to practise that it hath not faith in, bringing it thereby unto sin, and unto condemnation.

The "Dialogue" is a long, but clearly wrought out argument between three persons, called Antichristian, Christian, and Indifferent. Antichristian is so stubborn in his opposition to liberty that he gives up in disgust, while Indifferent is convinced by Christian. That both the form and force of the argument may be better seen, I will give the drift of the dialogue, retaining the form, but condensing the thought and introducing only the contestants.

CHRISTIAN.—Without faith it is impossible to please God.

ANTICHRISTIAN.—It is the king's law that you must worship in the churches of the establishment.

C.—In spiritual things you should urge only the law of the King of kings.

A.—The learned of the land have considered all these things, and set them down. Are such simple men as you likely to see more than all these?

C.—The learned may err.

A.—Yes, but they do not.

C.—The pope is learned, shall he be obeyed? The power and authority of the king are earthly. His highness is supreme head and governor over all his subjects' bodies and goods within his dominions, but not over the soul, as Christ assumed no civil rule.

A.—Ananias and Sapphira were smitten, Elymas stricken blind, etc.

C.—God's judgment was declared unto these, but the apostles did not touch them.

A.—"Doth not Christ in the parable teach, that he compelled all to come in?"

C.—Yes, but not with carnal weapons. All that a magistrate can do is to compel me to bring my body, and unless there is a willing mind there is no acceptance with God.

A.—"If all religions were suffered, treacheries and treasons would be plotted."

C.—"If it be not cleared of that, let all men abhor it. 'Let the good and bad grow together until the harvest.' . . . . All subjects should protest their allegiance to his Majesty's person, crown and dignity, and let the disobedient be disposed of at his Majesty's pleasure."

A.—"It were a lamentable thing if that bloody (catholic) religion should be practised again in this Kingdom."

C.—"I acknowledge it a bloody religion, but yours is also a cruel bloody religion."

A.—The good and bad must grow together in the church.

C.—Your interpretation of the parable is wrong. And if you believe it is right, why do you excommunicate any out of your church? The field is the world. The good and bad must grow together in it, but not in the church. "The whole New Testament throughout, in all the doctrines and practises of Christ and his disciples, teaches no such thing as compelling men by persecutions and afflictions to obey the gospel."

A.—"Were not blasphemers put to death in time of the law?"

C.—Yes; but would you have blasphemers put to death now? Paul was once a blasphemer. All Jews and Papists are blasphemers.

A.—Hath not the king the same power that the kings of Israel had, who compelled men to the observation of the law of God?

C.—No; Christ is the present king of Israel.

A.—If freedom of religion should be granted, there would be such divisions as would breed sedition and innovation in the state.

C.—"Christ, the Prince of peace, came not to send peace on the earth, but a sword. Behold the nations where freedom of religion is permitted, and you may see there are not more flourishing and prosperous nations under the heavens than they are." "Magistracy is God's blessed ordinance in its right place; but let us not be wiser than God to devise him a means for the publishing of his gospel, which he that had power had not, nor hath commanded."

A.—The king's majesty requireth your allegiance to be testified by your coming to church.

C.—It would be most abominable to God for me to come to church, not of conscience, but in hypocrisy. Such a course would rather harden my heart to work villainy.

Christian goes on to quote sentences from the king's addresses which express sympathy with toleration. He finds the cause of persecution in their heritage from Romanism. He believes that the occasion for persecution would be removed by the acceptance of believers' baptism.

This pamphlet, following so closely that of Busher, is also worthy of renown. Its findings are entirely consonant with the former, yet it enlarges upon the argument and meets objections which adversaries were raising. Like the work of Busher, it is dignified, descending to no slurs, indulging in no sarcasm, and seeking to strain no point. It is also preëminently a religious argument. It recognizes no impure nor unworthy motive.

The first edition of this "Dialogue" appeared in 1615, and a second came out in 1620. The personal element in this is not strong enough to warrant the supposition that prominent churchmen had yet begun their literary attacks upon these daring adventurers. The contest was as yet confined to narrow limits. Its significance had not begun to be appreciated by the supporters of the government. This latter year (1620) another work was published, by an unknown Anabaptist again, under the elaborate title: "A Most Humble Supplication of Many of the King's Majesty's Loyal Subjects, Ready to Testify all Civil Obedience by the Oath of Allegiance, or otherwise, and that of conscience; Who are Persecuted (only for Differing in Religion) contrary to Divine and Human Testimonies." This also was reprinted in 1662, and is preserved to us only in a copy made by Crosby and published in 17— in the second volume of his "History of the English Baptists." Some think that sufficient similarity between this and John Murton's "Description of what God hath predestinated concerning Man" exists to justify the assumption that he is also the author of this.[38] That both these treatises on liberty could not have been from one author seems plain from the diverse habits of mind which manifest themselves. The author of the "Dialogue" seems disposed to tell the truth, while the writer of the "Supplication" is concerned to make a weighty argument. This third document may properly be considered supplementary to the second, yet this argues nothing for authorship. It is noteworthy that all of these treatises differ from each other so largely in character and evidence.

The "Supplication" is addressed to King James, Prince Charles, the nobility, judges, and gentry in Parliament. In the introduction the author arrays his authorities against persecution. He says:

> The vileness of persecuting the body of any man, only for the cause of conscience, is against the word of God and the law of Christ. It is against the profession of your majesty; against the profession and practise of famous princes; the ancient and later approved writers witness against it; so do the puritans; yea the establishers of it, the papists themselves, inveigh against it; so that God and all men do detest it, as is herein showed.

[38] *Tracts on Lib. of Con.*, p. 187.

This is rather a hopeful view of the situation, as the facts which call for such an argument manifest. He overstepped the bounds of sober truth in his desire to make a strong argument from testimony. The king's early promises to the English dissenters might well be quoted to impress upon him his duty, but, considering his later expressions and his continuous practice, they would hardly serve as expressions of his opinion. Princes of certain foreign nations are properly cited. Luther's momentary advocacy of liberty should not be taken advantage of by those who desire to bolster their cause by his authority, for he completely repudiated these early statements. As to the Puritans, the justice of his claims regarding them is considered elsewhere. It should be noticed, however, that the author is inveighing against persecution rather than recommending the right of private judgment, and all classes, even the Papists, objected to being themselves persecuted.

The author's line of argument is discovered in the subjects given to the various chapters. From these are made apparent the depth and breadth of the production. The premises are seen to be set forth with great particularity. These subjects are as follows:

I. The rule of faith is the doctrine of the Holy Ghost contained in the sacred scriptures, and not any church, council, prince, or potentate, nor any mortal man whatsoever.

II. The interpreter of this rule is the scriptures, and Spirit of God in whomsoever.

III. That the Spirit of God, to understand and interpret the scriptures, is given to all and every particular person that fear and obey God, of what degree soever they be; and not to the wicked.

IV. Those that fear and obey God, and so have the Spirit of God to search out and know the mind of God in the scriptures, are commonly, and for the most part, the simple, poor, despised &c.

V. The learned in human learning, do commonly and for the most part err, and know not the truth, but persecute it and the professors of it; and therefore are no further to be followed than we see them agree with truth.

VI. Persecution for the cause of conscience, is against the doctrine of Jesus Christ, King of kings.

VII. Persecution for cause of conscience is against the profession and practise of famous princes.

VIII. Persecution for cause of conscience is condemned by antient and later writers, yea, by puritans and papists.

IX. It is no prejudice to the commonwealth if freedom of religion were suffered, but would make it flourish.

X. Kings are not deprived of any power given them of God, when they maintain freedom for cause of conscience.

This production is remarkable for its resistless logic. Much care was taken with the order. The argument is condensed and an attempt made to state it with perspicuity. Falling in with the dominant tendency of the time, many quotations were made, especially from the church fathers. Notwithstanding its illustrious predecessors, this work also is noteworthy, and evidently occupied a large place in the great battle which was beginning to rage.

These three documents, coming out within six years, could not but create a great stir in the circles of English thought. The following decades make this evident. After this, no one acquainted with the literature of that time need have asked concerning the doctrine of this sect on the subject of magistracy. Yet a curious instance of an enemy's missing the mark, though not from ignorance of the views of these people, is seen in "A Discovery of the Errors of the English Anabaptists, by Edmond Jessop who sometime walked in the said errors with them." (B. M. 4135, bb. 6, p. 94. Date 1623.) He treats as his "Eighth point, that a king or magistrate cannot be a true christian except he give over his kingly office or Magistracie." He answers it, beginning thus:

This, although it be not fully the opinion of these our English Anabaptists, yet because it is a point so generally held among the other sects of them, and for that these (with others) are not yet rightly informed as touching the authoritie of kings & governours, what it is, how far it doth extend, nor yet how far forth Christians are bound to obey and submit unto them; we will first disprove that error of the elder Anabaptists, then shew what the authoritie of kings and governours is, how far it doth extend, how far forth every true christian is bound by the word of God (as he is a subject or citizen) to obey and submit unto them.

Jessop, in his desire to find a startling subject about which to write, may be said at the best to have concerned himself to do a thing which John Greenwood called "writing a new last year's kalender."

Additional testimony as to the position of the Anabaptists in this part of the contest, as well as a revelation of the stand taken by the early Independents, exists in the writings of Pastor John Robinson. He had printed, in 1614, an article treating "Of Religious Communion, Private & Public, With the Silencing of the Clamours Raised by Mr. Thomas Helwisse Against Our Retaining the Baptism Received in England and Administering of Baptism unto Infants, as also A Survey of the Confession of Faith Published in Certain Conclusions by the Remainders of Mr. Smyth's Company."[39] The subject of sec. xii is "Magistracy and Oaths." It reads thus:

In conclusion 83, where the office of the magistrate is called a "permissive ordinance of God" it is both a contradiction, and evil speaking of them in authority. Where it is called "an ordinance of God" it is confessed good for "every creature of God is good" and all his ordinances are his creatures; and so many things are ascribed to the office of Magistrates in this and the other Conclusions about it which prove it to be good and lawful in itself, but where it is made permissive it is condemned as evil since only evil is permitted or suffered of God. And where it is objected, Proposition 85, that Christ's disciples must love their enemies, and not kill them, pray for them and not punish them &c. I answer that the godly magistrate may do both. Doth not God punish with temporal death those whom he loveth? and why may not God's deputies, the gods upon earth, be minded as God herein? Psa. lxxxii. 1. 6. When the godly kings and governors in Israel were commanded to execute judgment and justice upon the people for their transgressions, were they commanded not to love them, and not to pray for them? When Mr. Smyth in his sickness, tells his children, as it is in the end of the book "that if he live he must correct and beat them, as God did him," doth he not answer the objection, and show that these two may well stand together, as in the private father so in the public father, the magistrate? Where again it is said that "Christ's disciples must with him be persecuted, afflicted, murdered" and "that by the authority of the magistrate;" I do answer: that those things are not simply necessary for all persons, but as God calls men unto them. And second, both the scriptures and other stories do testify that godly magistrates themselves have suffered these things for the Lord and his truth, and for well doing; sometimes the inferior magistrate by the superior and sometimes the governors by the people under them. Instances we have hereof in Moses, David, Gedaliah, Daniel, Shadrach, Meshac and Abednego with Nicodemus, and others many more. . . . . They add that the magistrate is not to meddle with religion or matters of conscience, nor to compel men to this, or that form of religion, because Christ is the king and Lawgiver of the

[39] *Works*, Vol. III, chap. vi, p. 275.

church and conscience." I answer that this indeed proves that he may alter, devise or establish nothing in religion otherwise than Christ hath appointed, but proves not that he may not use his lawful power lawfully for the furtherance of Christ's kingdom and laws. The prophet Isaiah, speaking of the church of Christ foretells that kings shall be her nursing fathers and queens her nursing mothers: Is. xlix. 23. And where these men make this the magistrates' only work, "that justice and civility may be preserved amongst men," the apostle teacheth another end, which is, "that we may lead a peaceable life under them in all godliness." 1 Tim. II. 2. It is true that they have no power against the laws, doctrines and religion of Christ; but for the same, if their power be of God, they may use it lawfully, and against the contrary. And so it was in special foretold by John, that the kings of the earth should make the whore desolate and naked, and eat her flesh and burn her with fire. Rev. xvii. 16.

After a deliverance of this kind Robinson might have joined in with his predecessor, Robert Browne, in exclaiming: "Seeing we graunt and hold thus much, howe doe they charge us as evil willers to the Queene (magistrate)?" It is true that he does limit him in his legislative capacity, but he makes him the public father and the earthly god. He attributes to him authority to "make the whore desolate and naked, and eat her flesh and burn her with fire," though he did not specify who should decide as to the identity of that creature.

This pronounced and unequivocal expression of Pastor Robinson's opinion was published the same year that Leonard Busher's remarkable claims were set forth. But this was not Robinson's latest treatment of the subject. Five years after (1619) he discussed it again under the title "A Just and Necessary Apology."[40] Chap. xi of this deals with the civil magistrate in the following words:

We believe the very same touching the civil magistrate with the Belgic Reformed churches,[41] and willingly subscribe to their Confession; and the

[40] *Works*, Vol. III, pp. 62 f.

[41] *Belgic Confession*, Article XXXVI, "Of Magistrates."—"We believe that our gracious God, because of the depravity of mankind, hath appointed kings, princes and magistrates, willing that the world should be governed by certain laws and policies; to the end that the dissoluteness of men might be restrained, and all things carried on among them with good order and decency. For this purpose he hath invested the magistracy with the sword, for the punishment of evil doers, and for the praise of them that do well. And their office is, not only to have regard unto and watch for the welfare of the civil state, but also that they protect the sacred ministry, and thus

more because what is by many restrained to the christian magistrate they extend indefinitely, and absolutely to the magistrate whomsoever. . . . . The Magistrate though a heathen, hath power as the minister of God for the good of his subjects. Rom. xiii. 4. to command and procure in and by good and lawful manner and means, whatsoever appertains either to the natural or spiritual life so the same be not contrary to God's word; . . . . Lastly, If any civil and coactive power in things whether civil or ecclesiastical come to the magistrate by his Christianity, then if it so fall out that he make defection from the same whether by idolatry or heresy or profaneness it must follow that thereupon his kingly power is diminished and abridged; whereby how wide a window or gate rather would be opened to seditious subjects under pretext of (specially catholic) religion, to raise tumults in kingdoms no man can be ignorant.

Thus do we find the great leader of Congregationalism standing firmly for coercion of religious thought and action. His attempt has been to find Scripture warrant for his doctrines, though his attitude has been largely determined by fear of national disorders. Though expecting new light to break out from God's word in the future, Robinson provided no means in his system of thought for this truth, when newly discovered, to be accepted by men.[42] Nor does Pastor Robinson stand alone

may prevent and remove all idolatry and false worship; that the kingdom of antichrist may thus be destroyed, and the kingdom of Christ promoted. They must therefore, countenance the preaching of the gospel everywhere, that God may be honored and worshiped by every one, as he commands in his Word.

"Moreover, it is the bounden duty of every one, of what state, quality, or condition soever he may be, to subject himself to the magistrates; to pay tribute, to show due honor and respect to them, and to obey them in all things which are not repugnant to the Word of God; to supplicate for them in their prayers, that God may rule and guide them in their ways, and that we may lead a quiet and peaceable life in all godliness and honesty.

"Wherefore we detest the error of the Anabaptists and other seditious people, and in general all those who reject the higher powers and magistrates, and would subvert justice, introduce a community of goods, and confound that decency and good order which God hath established among men." (SCHAFF, *Creeds of Christendom*, Vol. III, pp. 432 f.)

[42] Nothing is plainer than that in this investigation one cannot credit a writer's mere profession that he believes in freedom of conscience. The phrase was very ambiguous. Not a few made that profession who firmly believed that heretics should be burned. We find a notable example of this in Pastor Robinson. He would have the conscience free, he said, but he further stated that none should be permitted to oppose conscience (Vol. II, Ashton ed., pp. 193 f.). In this he took it for granted that when one's views did not agree with what he thought to be orthodox, that person was opposing his own conscience. The question to be asked of each one is: Did he

among the Congregationalists in sustaining the pretensions of the rulers in this period. In 1616 appeared a work entitled "A Confession and Protestation of the Faith of Certaine christians in England, Published for the clearing of said christians from the slander of Schism and Noveltie, and also of Separation & undutifulness to the magistrate which their rash enemies doe falsely cast upon them. Also a humble Petition to the K. Majestie for Toleration therein." (B. M. 4103, a. 19.) This work is commonly ascribed to H. Jacob, an Independent writer, but whether rightly or not makes little difference, since the internal evidence makes plain its origin from an Independent source. (See Art. XXVIII.) The twenty-seventh article treats "of the civil Magistrates duety, and charge to oversee and order his churches in Spiritual Matters." It reads:

Wee believe that we, and all true visible churches ought to be overseene and kept in good order and peace & ought to be governed (under Christ) both supreamely and also subordinately by the Civill Magistrate: yea in all causes of religion when need is, By which rightfull power of his he ought to cherish and preferre the godly, and religious, and punish (as truth and right shall require) the untractable and the unreasonable. Howbeit yet always but civilly. And therefore we from our hart most humblie doe desire that our gracious sovereigne King would (himselfe so far as he seeth good, and further by some substituted civill Magistrate under him) in clemency take this special oversight and government of us, by whose ordering and protection we most humbly commit ourselves, acknowledging that because we want the use of this divine ordinance, That therefore most greate, and infinite evills both to us, and even to the whole kingdom doth ensue, and also because of the spirituall Lords their government over us. And notwithstanding the spirituall Lords[43] doe think it injury and wrong to themselves not small, if the king

believe in coercion or restriction in religious thought or practice when others' rights were not invaded? Robinson believed in persecution, as may be further seen in the following quotation: "Are you ignorant, Mr. B., that civil actions as they draw scandalous sin with them, may be censured ecclesiastically, as may also religious actions be punished civilly by the magistrate, which is the preserver of both tables, and so to punish all breaches of both, especially such as draw with them the violation of the positive laws of the kingdom, or disturbance of common peace?" (*Works*, Ashton ed., Vol. II, p. 193). The two tables referred to are the ten commandments of the Mosaic law. In preserving the first table the magistrate must force an acceptance of Jehovah upon the people.

[43] The spiritual lords referred to are the bishops, the claims of whom the Independents have never admitted.

should substitute civill magistrates to this business, yet (as it is said) that is Gods owne ordinance, namely to commit either spirituall or civill government (viz. Diocesan or provincial) to Ministers is evil; and as we believe a direct transgression of the text of the Gospell above rehearsed in artical 4.10.24.

Here again it is indicated that the early Independents accepted as much of the prevalent theory of magistracy as they could make consistent with their congregational form of government. The diocesan bishops and all spiritual lords were ruled out by these notions of religious equality and democracy. Conceding, then, that the church must be coerced into the performance of its function, they lighted upon the civil ruler to do this, as Scripture allowed him a place in the social economy. This shifting of the duties of rulers made the position of the Congregationalists hard to be understood.

In the "Plea," which is in connection with this confession and protestation, are a few expressions which throw even greater light upon the position of the Independents in this their formative period. The question of their rights seems not yet to have disturbed their minds.

The publike places with peace and protection under your Highness would be in this world the greatest blessing and benefite which our heart desireth, or which could come to us. But we dare not expect, neither do we ask so great favour at your Majesties handes; only that in private peaceably we might serve God with cleare and quiet consciences according to the effect of our fore remembered Cõfession, we in all lowlinesse crave your Toleration.

From all this it appears that the Independent congregations of that time desired the civil government to assume a guardianship over their churches, taking them under its protection, establishing a civil court "to cherish and preferre the godly and religious, and punish the untractable and unreasonable." They desired to avoid the domination of the bishops, but did not hope for equality with the established church. Either they questioned the rightness of the existence of sects or were led by policy to refrain from declaring the whole of their doctrine. Their acceptance of the king's prerogative seems to be advanced as an argument for the king's winking at their existence.

From this time (1616) on for over a score of years but little from the Brownists on our subject has been preserved to us.

During the early part of the reign of Charles I., up to his break with Parliament, the state was in a great political ferment.[44] The contest between the Parliament and the king became all-absorbing. Only just before this break did this phase of religious discussion become prominent again. In 1641 "The Humble Petition of the Brownists" was addressed to the Parliament. It presents evidence of a great temporary change of thought among at least some of the Independents. Their first expression for liberty of conscience comes to light in this (B. M., E. 178 (10), pp. 3 f.). Who the particular author or authors of this may have been does not appear, nor was the opinion herein expressed maintained. Yet it still deserves a full presentation. It is a remarkable protestation of Christian charity to come to us from the first half of the seventeenth century. It reads:

If therefore the Brownists upon scruple of their tender conscience, and grounded upon the word will separate themselves, and not go to church with Protestants, let them alone, give them free leave to exercise their Religion where they please without disturbance, the place where doth not import, they not daring to adde or diminish anything in the written word.

If the Puritans will not use the Service Booke, Corner Cap, Surplesse, or Altar, nor bow at the name of Jesus, their pure hearts esteeming it Idolatrie, let them alone, they are great readers of God's booke, and if they be in errour, they will sooner finde it, having liberty of conscience, then being oppressed with the Tyrrany of the High Commission Court or other kindes of persecutions which disquiet their consciences and troubles their patience.

If the Socinians will not subscribe to the 39 Articles, nor credit more than by natural force of their best witts they can reach unto, let them alone, they professe that if any man can give them a better reason or confute them by the word they are ready every hower to change their opinions, of such soft and pliable natures they are.

If the Arminians will have Bishops, Altars, Lights, Organs, hold Free Will, merit of good workes, and divers other points with Papists, though as yet no sacrifice with them upon their Altars, let them alone, let them use their ceremonies without sacrifice, let every spirit praise the Lord. Psal. 150.

If the Papists will have Altars, Priests, Sacrifice, and ceremonies, and the Pope for their supreme head in all Spirituall affaires, seeing they affirm so confidently, they have had these Sixteen hundred and odde years, let them alone with their pretended prescription, and let every Religion take what Spirituall head they please, for so they will, whether wee will or no, but the

[44] Not that this ferment then ceased, but the period here discussed ends at that time.

matter imports not, so they obey the King as temporall head, and humbly submit to the State and civill Lawes, and live quietly together.

Let the Adamites Preach in vaults & caves as naked as their nailes, and starve themselves with cold, they think themselves as innocent as Adam and Eve were in their nakedness before the fall, let them therefore alone till some innocent Eve bee so curious as to eate forbidden fruit, and they will all make themselves aprons of figge leaves perceiving their nakednesse.

Let the Family of Love meete together in their sweet perfumed chambers, giving each their kisse of peace; great pity it were to hinder their mutual charity; let them alone.

Lastly, the same we desire for all professors of the Gospell. Let every one abound in his owne sence. Rom. 14.

Even here there is a limit put upon the freedom sought. The "professors of the Gospell" alone are included. At the close of the petition the terms used are so general that one is led to feel that entire liberty of conscience is desired. It is not specifically stated so, yet I do not feel justified in denying that such a conception was held. The passages can speak for themselves:

Let every one therefore follow his owne Religion so he be obedient to the State and Temporal lawes certainely, that which will in time appeare, and the professors of it will be ashamed, it will perish and wither as a flower, vanish as smoke, and passe as a shadow (p. 7).

The matter therefore of so great importance and consequence, we prostrate; leaving to your honours profound and deepe judgments, humbly requesting and imploring againe and againe, that for the quiet of the state, for the comfort of the subject, and for the love of truth you cause and proclaime a tolleration, that for Religion, none shall be persecuted, but every one shall freely enjoy his conscience (p. 8).

This document, while quite short and abounding in illustration rather than more substantial argument, was an important addition to the literature upon the subject. What the circumstances were by which it was inspired can only be conjectured.[45] All that is certain is that in this particular case some Brownists deviated from the general trend of their denominational thought.

[45] Stoughton observes in his first volume (*Religion in Eng.*, p. 356) that at this time two classes of Independents are distinctly visible. He says that: "As some Independents, mostly the obscure, went further than others in the doctrine of toleration; so some Independents, principally of the same class, went further than others in the doctrine of voluntaryism." That there was a difference between some who at later time were called Brownists and the Independent party appears in a later chapter.

A reply to this was made without delay by Thomas Edwards, minister of the gospel in London. This appeared the same year (1641) under the title "Reasons against the Independent Government of Particular congregations; . . . . together with an Answer to such reasons as are commonly alledged for such a Toleration." (B. M., E. 167.)

Under the heading "Reason VIII" he argues in the following words:

> These independent men where they have power (as in new England) will not give a toleration for any other Ecclesiastical Government of Churches but in their owne way, they would not suffer of other opinions in doctrines and government to live within the bounds of their patent, though at the further bounds, but have banished them. They were sent to from England by some godly Ministers their brethren otherwise approved by them, as being against Ceremonies, who being in danger of leaving the land sent to know if they might have liberty according to their consciences to goe in a church way, something different from theirs, and not in this Independent Popular Government; to which question you may reade the Answer, they could not grant any other forme of government but one, feeling there is but one way of Church government layd downe in the Word, and that unchangeable, and therefore they cannot yeeld to it. So others of them will not tolerate; or admit into fellowship the godliest christians, unlesse they will enter into Covenant, professe their faith, submit to their Church; so that these men who now would faine have a toleration in this great Kingdome will not allow any in a remote Plantation, nor in one of their small particular congregations, for feare of disturbing the peace of their Church, and yet would have a toleration in this Kingdome, never caring to disturb the peace, and good of the three Kingdomes which would be hazarded by it, but thus partiall men are (and you may observe it) tis ordinary for men when they are not in place nor have no power in church or common-wealth, and hold also Doctrines and principles contrary to what is held and established, then to plead for tolerations, when as the same persons coming to be in place and to have power, wil not tolerate others to set up any way different from theirs.

These charges of Edwards resulted in an incident at that time quite out of the ordinary. A woman among the Congregationalists, Katherine Chidley by name, entered into this literary squabble at this juncture. ("The Justification of the Independent Churches of Christ." B. M., T. (7). Date 1641.) She appeared as an apologist for Independency, but wished it to be understood that her people do not plead for any others (pp. 20

and 44). With astounding confidence she announced to Edwards that having proved the

Independent Government to be Christs Government; I will also prove in my Answers to these your following Reasons, that the Independent Congregations performe Christ's public worship, and therefore ought to be tolerated, and maintained in the practise thereof.

But to stand for the Toleration of the maintenance of Heresie, and Schisme, is not the Toleration that we pleade for (as farre as hath beene yet made knowne) but rather your insinuation; for I have declared unto you already in the driving backe of the first scout of your army, That God hath provided a way and meanes to purge every congregation of his from all such persons that doe offend, whether it be in matters of Faith or Order.

The author keeps up a running conversation with Edwards, and so does not connect her ideas. On this account no theory can be attributed to her, but sufficient expressions are given to show her to have been in harmony with the position generally held by the Independents rather than with the position taken in the Brownist pamphlet which aroused this discussion. In regard to compulsion in religion she stood on the same ground as Edwards, as she specifically indicates:

And therefore you did well, when you admonished the Parliament in your Epistle to cast out of the way all stumbling blockes, and to breake down all images, and crucifixes; and to throw down all altars, and remove the high places; and to break to pieces the brazen Serpents which have been abused to Idolatry and Superstition[46] (p. 22).

She held that toleration should be claimed only on the ground of worthiness. Nor has she been careful to give the impression that she expected anyone other than herself to form the court before whom the claims of worth should come. She asserted her belief that the Anabaptists and Jews were worthy of toleration, but declined to plead their cause (p. 44). In stating her position to Edwards she said further:

In your ninth reason you affirme that toleration may be demanded, upon the same grounds for Brownists, Anabaptists, and Familists, and others, who professe it their conscience. To which I answer: That seeing you plead for them, I may well hold my peace. But I think the Familists will not aske

[46] Masson says concerning her view: "Clearly, whosoever in 1641 of the Parliament and the people of England heard a stinted doctrine of Toleration, they heard the full doctrine from Mrs. Chidley." (*Life and Times of Milton*, Vol. III, p. 110.)

liberty for toleration if they be as I doe conceive of the Sect of the Libertines mention in the Acts. (P. 36.)

From the "rigid Puritans" (Presbyterians) of this period has come to us as strong a statement of the acceptance of the king's prerogative as is recorded in history. In 1607 they put out a petition for toleration. In their protestation of orthodoxy they said:

> We hold and maintain the king's supremacy in all causes, and over all persons, civil and ecclesiastical, as it was granted to queen Elizabeth, and explained in the book of injunctions; nor have any of us been unwilling to subscribe and swear to it. We believe it to be the king's natural right without a statute law, and that the churches within his dominions would sin damnably if they did not yield it to him. Nay, we believe that the king cannot alienate it from his crown, or transfer it to any spiritual potentates or rulers; and that it is not tied to his faith or christianity, but to his very crown; so that if he were an infidel the supremacy is his due.[47]

Beyond this not even the established-church people could well go. There were those who held very loosely to Christianity, if at all, who expressed themselves with some latitude on this as on other topics. All churchmen subscribed to the Thirty-nine Articles, so that if they had favored liberty of conscience, or even toleration, the position would have been a contradiction, not an advocacy.

[47] NEAL, Vol. I, p. 436.

CHAPTER III.

PERIOD OF THE COMMONWEALTH.

THIS period[48] (1643–60) includes the time which elapsed from the flight of King Charles I. from London until the Restoration, or the crowning of Charles II. The execution of Charles I. did not occur until in January, 1649, and during much of the preceding interval he held sway over a large part of England, having his seat of government at Oxford. Parliament, however, under control of the Presbyterians, made laws and executed them where her army had possession. The fall of the Parliament was succeeded by the rise of the Protectorate of Cromwell in the year 1653. This change of government had such a marked effect upon the contest for liberty of conscience that I shall subdivide and treat the epochs of the Parliament and the Protectorate separately.

1. *Parliament.*— From 1643 until 1653 the Parliament exercised executive as well as legislative functions. The government was essentially by the people. Presbyterian views were in the ascendency, and the Presbyterian became the established church of England, as it long had been the established church of Scotland. At this time, when Parliament was the magistrate, the fiercest struggle was taking place for religious freedom.

A glimpse of the conditions then existing is furnished by a pamphlet which came out in 1643, the author of which remains unidentified. Its subject is significant. It is: "Liberty of Conscience, the Sole means to obtaine Peace and Truth. Not onely reconciling His Majestie with His Subjects, but all christian States and Princes to one another, with the freest passage for the Gospel. Very seasonable and necessary in these distracted times, when most men are weary of War, and cannot

[48] This division into periods I have made to suit the nature of my subject. I have had reference to the sequence of events in London. While London literature was by no means all that this time afforded, it was there at the seat of the popular government that this cause was largely advocated. The opposition of court writers at Oxford had but little effect upon the course of events at the metropolis.

finde the way to Peace." (B. M. 100, d. 69.) The purpose of the author was to solve the question: How can peace be obtained and future wars prevented? He inveighs against the Parliament for forcing religion upon the people and taking away the incentive to search the Scriptures as they are commanded. He asks whether the people shall be obliged to change their religion as frequently as the majority of Parliament changes. The unsettled state of religious affairs thus presented a problem which suggested the inadequacy of the prevailing doctrine of magistracy.

Two years later a humorous treatment of the subject appeared under the title: "The Arraignment of Mr. Persecution, By reverend Younge Martin Mar-Priest, son to old Martin the Metrapolitane." (B. M. 108, b. 52.) A quotation from the first page will explain itself and outline the writer's attitude:

A certaine dreadfull and severe Gentleman, by name Gods-vengeance, of the Towne of Impartiality, in the County of Just-judgment, having a long time through the daily persuasions of his Kinsman, Mr. Long-suffrance (an honest peaceable Gentleman, unwilling his enemy should perish) forborne to proceed against the great Enemie and Incendary of mankind Mr. Persecution, according to his iniquity, at length taketh occasion at his kinsman's abused patience, forthwith procures a warrant from the Lord chiefe Justice, Peace-with-all-men for the constable, Mr. Reward of Tyranny to attack him; who takes with him two approved men of the Parish, old Mr. Woe-full-experience, and honest Mr. Sound-Judgment; and making strict search after him from Religion to Religion, found him at length amongst the papists, under the name of Mr. Spanish Inquisition; but the subtill Fox no sooner perceived their Authority, but shrunke out of his Roman Papall Robe, and presently turned Protestant,[49] clad with Episcopall habit, under the name of Mr. High Commission, but Constable Reward of Tyranny, with old Woe-full-experience, and honest Sound-judgment, being acquainted with his tricks, made after him, whereat he cast off his Lawne-sleeves, Hoode, Typit, &c. and forthwith, least all trades should faile, became a zealous Covenanter, in the godly shape of a Presbyter, changing his name into Classicall Presbytery (a new cheat to cozen the world) and then scholler-like, as it had been for a good fat Benefice, in the twinkling of an eye jumpt out of Scotland into England, and turned a reverand Synodean, disguised with a sylogisticall pair of Breeches.

[49] The term "Protestant" is used in tracts of this time to mean Episcopalian or established religion, when the context does not make plain another meaning.

The sequel is that Mr. Persecution is finally arrested and put on trial. Gods-vengeance, Christian, Martyrs, and Liberty of Conscience appear to testify against him, and he is condemned. The writer was remarkably skilful and effective in creating a feeling against persecution, and there was sore need of just such attractive antagonism.

The part taken by the Baptists[50] in this portion of the struggle was a prominent one. Such a large number expressed themselves during these years that only the most important pamphlets, together with the evidences which indicate a general sentiment, can be noticed. This was an epoch of popular discussion. The political ferment so disturbed the rulers that silence could not be enforced upon the common people.

"The Compassionate Samaritane," the author of which Robert Baillie calls an Anabaptist, was recognized as an important document.[51] It was directed to the Commons of England. The second edition, corrected and much enlarged, appeared in 1644. (B. M., E. 1202 (1).) The strong opposition it aroused among the advocates of persecution manifests their opinion as to its force. The author states the occasion of his putting forth this treatise :

> Having heretofore met with an Apologeticall narration of Thomas Goodwin, Philip Nye, Sydrach Sympson, Jeremy Burroughs, William Bridge; I did with gladness of heart undertake the reading thereof, expecting therein to find such generall reasons for justification of themselves, to the world, as would have justified all the Separation, and so have removed by one discourse those prejudices and misapprehensions which even good men have of that harmlesse and well-meaning sort of people; But finding contrary to that expectation that their Apologie therein for themselves, and their Toleration was grounded rather upon a Remonstrance of the nearnesse between them and the Presbyterian, being one in doctrine with them, and very little differing from them in Discipline, how they have been tolerated by other Presbyter Churches, and indulged with greater priviledges, then the Separatist, how they differed from the Separatist, and had cautiously avoided roks and shelves against which the Separatist had split themselves, confirming by these words the peoples disesteem of Separatists, suggesting by that phrase

[50] It was during this period that the Baptist denomination was organized, as such; therefore I shall make use of the term "Baptist" from this time on.

[51] BAILLIE, *Disuasive from the Errors of the Time*, p. 76. Newberry Lib.

of theirs, as if there were amongst the Separatists some dangerous by paths or opinions; which they warily shuned, though no mention be made what they are, which is the worst sort of calumny. (Pp. 1 f.)

The plea of these Independents for a special toleration so aroused the author that in "The Compassionate Samaritane" he put forth that expression of principles which he had hoped to find in the combined effort of the Congregationalist leaders. The work is critical and discriminating, and yet breathes a sympathy and brotherly kindness rarely found in the writings of this period. The author would leave out none from the enjoyment of religious freedom. And, too, he recognized it a right to be demanded rather than a privilege to be besought. He has not admitted himself to be an Anabaptist, but made laudatory statements which lead to that inference.

The king I confesse, has reason to cry out upon the Anabaptists, because he knows them to be enemies not of Government; but of oppression in Government, and all those who intend to oppress in any manner, ought, if they be true to themselves to doe so too; for the Anabaptists are oppressions enemies, whoever be the oppressours.

And whereas they say, they find in bookes, that the Anabaptists are enemies to all Government, it were well if they would consider who wrote those Bookes; it may be they were written either by mistake or for the same end that they repeate them. We can show you books too, that say the Parliament are Brownists & Anabaptists; And past all question, if the King should thrive in this unnaturall warre this Parl. should in their court Histories, not only be called anabaptists, but branded also to all posterity with that opinion falsely and maliciously fathered upon the Anabaptists, that they were enemies to government, and went about to bring all things into confusion. Little credite is to be given therefore to Bookes in matter of obloquie and scandall; but the men and their judgments in the time they live, are to be considered. . . . . I will adde one thing more to the Brownists and Anabaptists glory; that in the times of the Bishops domineering, when many of the Presbyterians complyed, some to the very top of Wrens Conformity, and preached for those things they now pretend chiefly to reforme and the Independents fled to places where they might live at ease, and enjoy their hundred pounds a yeare, without danger; the Brownist and Anabaptist endured the heate and brunt of persecution, and notwithstanding the severall wayes of vexing them, continued doing their duties, counting it the glory of a christian to endure tribulation for the name of Christ; And the times altering the Presbyterian soon come about and the Independent comes over, to be leaders in the Reformation, when forgetting the constancie and integrity of those who bore the

heat and burden of the day they hold the same heavy hand over them, that their fathers the Bishops did.

These five men, Goodwin, Nye, Sympson, Burroughs, and Bridge, were in exile on the continent until Charles evacuated London and the city was left in the hands of the separatists. Hastening back to their native land, they became leading spirits in the Independent movement. It is not strange that in these circumstances the Brownists, mentioned by this author, though essentially Independents, should not, at first, join heartily with such leaders. It is evident that the distinction here noticed did not long continue to exist. These men formed the nucleus around which the whole party soon gathered. Here is recognized, however, a temporary association of the Brownists in sturdy resistance to conformity. Notwithstanding the tenor of the passages cited, the work as a whole, like that of Leonard Busher, is remarkably unpartisan. No epithets are applied. It is a calm, straightforward, kindly expression of opinion.

During the next year (1644) the most comprehensive document put forth by the early Baptists appeared. Its title is "The Storming of AntiChrist in his two last and Strongest Garrisons,[52] by C. Blackwood[53] (B. M., E. 22. (15)). These two strongest garrisons are "Compulsion of Conscience" and "Infants Baptisme." Twenty-nine reasons are given against compulsion of conscience. The statement of them is short, but compact. In it the arguments are arrayed, as in a solid phalanx, for liberty. Sixteen objections are answered in the same methodical way. Though the treatment be so large, religious motives alone seem to have been thought worthy of consideration. No motives of policy, not even those arising from national interests, are given

[52] Crosby says "The two last and Strongest Garrisons of Antichrist" was written by Captain Dean. He admits that he knew but little about Dean, save that, having been a churchman, he became a Baptist, and instead of entering the ministry he joined the army. Whether or not there were two treatments of this subject does not appear. That Christopher Blackwood wrote about it is certain." (CROSBY, Vol. I, pp. 350 f.)

[53] According to Crosby, Christopher Blackwood was a minister of the establishment in Kent when he came in contact with Francis Cornwell, M.A., who had been a minister of the establishment, but had accepted the doctrines of the Baptists. By him Blackwood was led to accept Baptist views also.

place. The burden of the author's soul finds expression in the direct address of the conclusion:

Reader; I shall desire thee seriously to ponder what hath been laid down; it makes my heart bleed to see all Christendome the cockpit of the world, to the great scandall of Christ and christianity among Mahumitans and Infidels.

Very little new thought or expression is seen in Blackwood's treatment, yet he added largely to the force of the contestants by summarizing and stating the gist of previous discussions.

"The Necessity of Toleration in Matters of Religion," by the Baptist, Samuel Richardson,[54] was printed in 1647. (B. M., E. 402 (18).) Here we have the already familiar ideas set forth in fresh forms. He states his proposition and reasons succinctly, as follows:

Religion ought to be free.

1. Because it is God's way to have Religion free.

2. It is God's Prerogative to force Religion by working Faith in mens hearts.

3. Because, the end why God hath a Church is that he might have a people separated from others in the world, to glorify him in a holy conversation to the convincing of those that are out of the church.

4. Because if there should be an established Law for all persons to submit unto, it would tend to the wounding of the souls and undoing the bodies of very many.

5. Because it is the best for the public peace to give every one content.

Richardson put his thought into questions, which he propounded effectively. Seventy of these he directed to "the Synod, and all honest hearted and conscientious people, whether corporal punishments ought to be inflicted upon such as hold errors in religion." A few specimens of these will serve to show their pertinence and force:

1. Whether corporal punishments can open blind eyes, and give light to dark understandings?

6. If a father or magistrate have not power to force a virgin to marry one she cannot love, whether they have power to force one where they cannot believe, against the light and checks of their own consciences?

15. Whether Christ hath said, He will have an unwilling people compelled to serve him?

[54] Richardson is known only as an author. He put out twelve or more works on religious topics.

19. Whether he that is not conformable to Christ may not at the same time be a good subject to the state, and as profitable to it?

22. Whether there be not the same reason that they [the magistrates] should be appointed by us, what they shall believe and practise in religion, as for them to do so to us; seeing we can give as good grounds for what we believe and practise, as they can do for what they would have, if not better?

29. Whether it be not in vain for us to have bibles in English, if, contrary to our understanding of them, we must believe as the church believes, whether it be right or wrong?

58. Whether there be any man that judgeth his own judgment erroneous?

By his interrogations Richardson gently charged the Westminster Assembly with holding that they had arrived at the truth by special revelation. So, they being infallible, all England ought to receive their instruction. That consistently with this they practiced intolerance.

Two other names of Baptists were conspicuous among the advocates of this cause in the parliamentary epoch. They were both educated and prominent men. Francis Cornwell, M.A., wrote a tract on "Two Queries worthy of consideration." These queries were:

1. Whether that ministry that preacheth freely the gospel faith, that the Lord Jesus is the Christ, as the Apostle Peter did, be not truly orthodox?

2. Whether it be agreeable to the Word of God contained in the sacred scriptures, to silence or inhibit any ministers of Jesus Christ, for preaching this gospel faith freely.[55]

William Dell was located in London. He was held in so high esteem as to be invited to preach before Parliament, and he was bold enough to present this cause in so public a place. The sermon was afterward printed. In 1646 he discussed the subject in a pamphlet entitled "Uniformity Examined" (B. M., E. 322 (12)).

In the midst of this heated controversy (1644)—for opponents were as active as advocates—an important work, produced in New England, was published and circulated in England. It was "The Bloudy Tenent of Persecution," written by Roger Williams. Its form is that of a dialogue. Its reasons differ but little from those of documents previously printed, yet it caught the public eye more fully than most of its predecessors had done.

[55] CROSBY, Vol. I, pp. 344 f.

It produced a great deal of direct opposition. While John Cotton, of Boston, was laboring assiduously to overcome its influence, many in England considered it worth their while to refute its doctrines.

It was in the early part of this rule of Parliament that what is known as the "First Confession of Faith of the English Baptist Denomination" was formed. Heretofore churches and individuals alone had expressed themselves. From this and the later confessions it is possible to determine what the attitude of this united people was. From these we gain no hint of the diligence of their advocacy of their principles; but knowing that there were many who were assailing these doctrines, it is to be inferred that a quiet acceptance of them would be impossible. This first confession treats the subject sparingly. The thirty-first article reads thus:

> All believers in the time of this life are in a continual warfare and combat against sin, self, the world, and the devil; and are liable to all manner of afflictions, tribulations and persecutions, being predestinated and appointed thereunto, and whatsoever the saints possess or enjoy of God spiritually is by faith and outward and temporal things are lawfully enjoyed by a civil right by them that have no faith.[56]

While not elaborated, this assertion is sweeping. Even the heretic is conceded the right to enjoy "outward and temporal things . . . . by a civil right."

The year following, 1644, came out another "Confession of those Churches which are commonly but falsely called Anabaptist." In this they were not even as outspoken as they were in the former document. The forty-ninth article treats the subject:

> The supreme Magistracie of this Kingdome we beleeve to be the King and Parliament freely chosen by the Kingdome and that in all those civill Lawes made by them, with our persons, liberties, and estates, with all that is called ours, although we should suffer never so much from them in not actively submitting to some Ecclesiastical Lawes, which might be conceived by them to be their duties to establish, which we for the present could not see, nor our conscience could submit unto; yet are we bound to yield our persons to their pleasures. (B. M., E. 12 (24).)

[56] CROSBY, Vol. I, App., p. 26.

From this one is likely to get an impression of their subserviency. Though admitting their separatism, their protestations of loyalty are so strong that they have no stress to lay upon the right of separatism.

This slackness they attempt to atone for two years later (1646). At that time came out the "Confession of the Seven London Churches." Having acknowledged the magistrates' supreme authority in civil affairs, they proceed in Article XLVIII to express their convictions as to ecclesiastical authorrity in the following sentences:

> And concerning the worship of God, there is but one Lawgiver which is able to save and to destroy. James iv; 12 which is Jesus Christ, who hath given laws and rules sufficient in his word for his worship; and for any to make more, were to charge Christ with want of wisdom or faithfulness, or both in not making laws enough, or not good enough for his house; surely it is our wisdom, duty and privilege to observe Christ's laws only. Psa. ii, 6, 9, 10, 12, So it is the magistrate's duty to tender the liberty of men's consciences, most dear unto them, and without which all other liberties will not be worth the naming, much less enjoying, and to protect all under them from all wrong, injury, oppression and molestation; so it is our duty not to be wanting in nothing which is for their honor and comfort. And whatsoever is for the well-being of the commonwealth wherein we live, it is our duty to do; and we believe it to be our express duty especially in matters of religion to be fully persuaded in our minds of the lawfulness of what we do, as knowing whatsoever is not faith is sin; and as we cannot do anything contrary to our understandings and consciences, so neither can we forbear the doing of that which our understandings and consciences bind us to do; and if the magistrate should require us to do otherwise, we are to yield our persons in a passive way to their power, as the saints of old have done, James v, 4. And thrice happy shall he be that shall lose his life for witnessing (though but for the least tittle) of the truth of the Lord Jesus Christ. 1 Pet v. Gal. v. (B. M., E. 319 (13).)

Thus did their views on this subject gradually find expression in the early denominational statements of doctrine. Whether the first scant claims were occasioned by a lack of unanimity on the part of the delegates may never be known. At any rate, we must not lose sight of the fact that the question was a live one during those years, and could hardly have been overlooked by authors of any such confessions.

But the most vigorous representation of the Baptists' belief in this particular comes from their antagonist, Robert Baillie.

He treated the subject in his "Diswasive from the Errors of the Time" (Newberry Lib., pp. 56 f.). While Baillie's hostility makes his statement more or less unreliable, he has left a most interesting treatment of the situation. He says:

All this Independent Doctrine is brought from the Anabaptists' schools, it is one of the articles of their faith offered to the present Parliament, that no laws ought to be made by any man upon earth about any things which concern the worship of God; That whosoever makes any rules for the service of God does charge Christ with want of Wisdom or faithfulnesse, or both, in not making anew for his own house; That the great law for matters of Religion is this, Let every man be fully persuaded in his own minde of the truth of what he believes without any controll from any upon earth; That it is the Magistrates duty to protect every man in his just liberty of conscience, without which all other liberties are unworthy the naming.

Now to put us out of all doubt what kinde of consciences they desire to be protected by the Magastrate in their liberty, they are content to come down to specifications. At the beginning they had not the courage to require a generall liberty for all erroneous consciences, as divers of the Independents to this day professe their aversenesse from an unlimited toleration of all errours; So M. Blackwood who first came out to storm the Antichristian baptizers of children does stick a little at Papists, and more at blasphemers and atheists; and their great Patrons in their debates for liberty except errours against the light of nature, albeit none which never so evidently crosse the holy Scriptures; but M. Williams an Anabaptist long before Blackwood makes it a bloudy Tenet; and others of them proclaim it an unjust persecution to deny a full liberty not only to Turks, Jews and most heretics, but to idolatrous Papists and any others that may be named. They will not only have these free from any considerable punishments, but also from the least discountenance or resentment of their wickednesse; and lest the grossest blasphemies might have been conceived capable of any civil censure; behold they name Atheism itself, and exempt it expressly from the hazard of all pain and shame.

This liberty they extend not only to errours lockt up in the breast, but also when they are openly by word and writ professed, yea solemnly preached; for they tell us that the necessary and just liberty of conscience is violate, and a persecution is brought in, if a Jesuit or a Turk or a Jew, or a blasphemous Atheist be hindered to go to the most solemne places where the greatest multitudes of weak and easily seduced spirits do converse, and there to proclaim whatever in conscience they think convenient for the propagation of that errour which they conceive to be truth.

For all this the same men do fully and freely grant unto us, that errour is a greater wickednesse than any man can easily conceive, That a false Teacher by seducing of one soul, doth more real hurt than if he should

murther a King, blow up a Parliament, destroy the lives of a whole nation, yea of the whole world. Yet do they plead for so great a liberty to all errours as possibly can be, for they spoyl the Magistrate of all power in anything which concerns Religion, that he may not with a look of his eye discourage, much lesse with his hand restrain the most horrible blasphemer, the most ravenous wolf, to destroy the souls of all his subjects.

So from all sources we learn that this newly formed Baptist denomination followed closely in the footsteps of their progenitors, the Anabaptists. During this epoch of controversy, when many conditions and events led to the supposition that the demolition of the state was at hand, this doctrine, so decried as ruinous to the government, was sustained and advanced. A larger literary treatment is found here than in any previous time of the same length, but we have arrived at a period when these enemies of infant baptism were not so nearly alone in the ranks of this invading army. Other forces joined actively in the contest.

The attitude of the Independents was rapidly changing now. The conditions of the time led them to give the subject greater consideration. Their party was rapidly increasing in numbers and importance. They were fully convinced that they had a right to exist. They had been given representation in the Westminster Assembly, and their representatives were accorded a high meed of praise. Goodwin, Nye, Simpson, Burroughs, and Bridge, who have been mentioned above as having been in exile on the continent, were the moving spirits of Independency. The "Apologetical Narration" was their united effort. This served as an introduction to their work after their return from the continent. (B. M., E. 80 (7).) It was published in 1643. In it they claim that their mode of church government is as effective as that of the Presbyterians, since in the cases of both the magistrate is necessarily called in "to assist and back the sentence of other churches" (p. 19). As mentioned by Baillie, they admitted to the magistrate more right to interfere in religious affairs than the Presbyterians (pp. 19 f.). This pamphlet was merely an apologetical document to pave the way for their toleration. During 1645 the denomination put forth several important treatises on toleration.

"Groanes for Liberty," a pamphlet of thirty-five pages, came from the pen of John Saltmarsh. (B. M., E. 327 (29).) While petitioning from the Presbyterian Parliament, the author charged the Presbyterians "with being unwilling to accord to others what they had pled for but four years before." He held that Independents, Anabaptists, and Seekers did not differ enough from Presbyterians to warrant persecution. He drew up "A Modell or Short Draught of the Whole difference betwixt the Divines of the Presbytery, and them of the other way respectively, to the Magistrate or State, drawn from the Books and Practises of both parties in a Petitionary way" (p. 24). The respective petitions appear thus:

They of the Presbytery to the Magistrate or State.

We humbly Petition ye, that Hereticks and Schismaticks (we believing all that differ from us to be so) may have your power inflicted upon them, whither to fines, imprisonment, or banishment, and upon this condition ye shall have what ye can doe, or preach, etc.

The Independents to the Magistrate or State.

Wee humbly Petition, that ye will not hazard nor endanger your civill power of the State to help our opinions against our Brethren, for we are not Infallible nor Apostolicall, we see but in part, and that ye will not punish any of our Brethren Presbyterial or others, for what they believe or differ from us in things of outward order in the Gospel, and that we may have leave to pray for ye, to pay tribute to ye, to fight for ye, and to worship the Lord among ourselves peaceably as we believe, and to punish us when we disturbe ye by Tumults, or trouble your peace in our way of worshiping.

By these comparative petitions the writer asserted that the Independents had come to differ from their Puritan neighbors. The Independents had gotten far enough along to concede to the dominant Presbyterians their right to be unmolested in their way of worship. They do not go beyond this to include other sects under their mantle of charity. These "Groanes for Liberty" were quickly answered by a certain "Ley." Before the year was over Saltmarsh retorted to this in a work entitled "The Smoke in the Temple." This second pamphlet was simply an enlargement of the first. Toleration was asked on the grounds of similarity between Presbyterian and Independent dogmas in general. In it is no assertion of rights, and no desire for a recognition of religious freedom is made known.

From somewhat the same standpoint wrote Jeremiah Burroughes in his "Irenicum" of the same year, a volume of 302 pages. (B. M., E. 306 (9).) He also sought to show the adaptability of the Congregational government to the successful management of religious affairs. He further attempted to set forth the principles that cause divisions to arise, and to show how the evils may best be avoided. The effort was an elaborate one. It exhibits great research and careful thought. The author held that the principle "that nothing which is conceived to be evill is to be suffered . . . . is a harsh and sowre principle" (chap. viii). He says that

> the power that God hath given a magistrate, is but for a naturall help at the most and therefore it can goe no farther then to help us in a naturall way, to do what we are able to doe by a natural power; when it hath gone so farre, there it must rest (p. 71).

His seventh chapter treats the subject: "Those who are for a congregational way doe not hold absolute liberty for all religions." This thought is expressed repeatedly.

> A man may bring himselfe under both Civill and Ecclesiastical sword, not onely for sinnes destructive and injurious to our brother, but for sinnes against God, if they be also against the light of nature, as blasphemy and gross idolatry (p. 35).
>
> Though such as are not Christians cannot by violence be compelled to professe Christian Religion, yet notwithstanding any plea of their conscience, they may be restrained and that by violence if other means will not do it. from an open blaspheming Christ, and the Scriptures, or doing any acts of any open dishonor to them (p. 36).
>
> Suppose a man be not wanton, but serious, and neglects no meanes to informe his conscience, and yet he cannot yeeld, What shall be done to such a man? He may be denied some privileges and benefits that are granted to others. I instance in that opinion of some Anabaptists, who deny the lawfulnesse of Warre: . . . . seeing by this error of theirs they are made lesse usefull in the state then others, they should not think it much though they be denyed many priviledges and accommodations that are granted to others, who venture their lives for the preservation of the State.

Here Burroughes has set forth several ideas, novel in his day, but destined to general acceptance. It was no new conception that the state had a fund of privileges and benefits to be bestowed upon favorites, but the withholding of them for religious reasons was new. In persecution, shedding of blood, imprisonment, and

fines are about to give away to political disabilities. Burroughes may be called the advance agent of the persecuting government of the later Stuart period.

Philip Nye, another of the quintet of Independent leaders, carefully constructed a work at this time, which is preserved to us in a reprint of 1683. His subject was: "The Lawfulness of the Oath of Supremacy, and the power of the King in Ecclesiastical Affairs" (B. M. 105, b. 47). While Nye performed a valuable service in advocating toleration, he came far short of grasping the highest conceptions. He admitted that "God only and the Civil Magistrate, further our happiness by making us miserable" (p. 26). And again that "for protection Church-Power neither judgeth nor restraineth them that are without; it is no fence nor Security against the World. The only Hedg about this Vineyard, under God, is the Sword of the civil Magistrate" (p. 28). He did not regard that the magistrate's sword had no place in religious matters, since "the Judgments of God, Sword of the Magistrate, and the like external administrations are helpful to the best of men, who are liable while a Body of Sin, to as foul external acts of sin as the worst of Men" (p. 29).

> There is no Power or Authority either in Church or Magistrate that doth directly or immediately compel or enforce the soul. Paines, Penalties, Restraints, bodily Punishments; or what comes nearer, is more spiritual, as admonition, Suspension, Excommunication, or the like. When persons in any of these ways is judged and censured, by the Church or Magistrate or both, it hath its fruit and effect in respect of Morals only in a more remote and circular way, as by working upon the judgment and affections (p. 32).

The Independents regarded themselves at this time as holding a middle view on this question as well as on others. The controversial contest was raging fiercely, and many were occupying extreme positions on the subject. The Independents as a body were advancing slowly and cautiously. Robert Baillie mentioned this in his "Diswasive from the Errours of the Time" (p. 54). He said:

> The Authors of the Apologetick Narration [*cf.* p. 71] do boast of giving to the magistrate more than any other Protestants by their principles can do, yet now it seems they have changed their note and are returning to M.

Browne first profession of liberty from the Magistrate's sword in all matters of conscience, for they tell us that no magistrate may punish for what the church may not censure, and they assume that the church may not censure for any error which is not fundamentall, and wherein the erroneous person is not obstinate and self condemned: Such at least must be all Brownists, all Antipaedobaptists, most Antinomians and Arminians, many Papists who embrace not all the errours of the Church of Rome, and in these which they do maintain have never had the means of self-conviction; against none of all these, or any the like may Parliament make any Law, but to all such they are obliged if they transgresse the limits of power, which God and right reason have set unto them, to proclaim a full liberty without the least restraint. This will conclude the power of the Magistrate in matters of Religion in a pretty narrow compasse, yet it leaves him some power to punish for fundamentall errours and grosse blasphemies. Therefore the Independents, at least some of their prime teachers, without any public reproof from their fellows (so farre as we know) are gone a step further, to cut off all idle and curious debates concerning fundamentals; the disputes about praeter, super and contra fundamentalia are exceedingly subtill and intricate, yea inextricable, they are more wise than to involve themselves and others therein, so once for all they jump over that ditch and avow, that for magistrates to controll any man in his grossest errours, for them to make or execute any Law to restrain any man's conscience and practise according to conscience is but to fight against God and to commit the monstrous practise of the old Gyants against the heavens which they call a Theomachy.

Thomas Edwards, the so-called religious "scavenger general" of England, furnishes us with particulars which substantiate much that Baillie stated. In 1646 he published his "Gangrena; or a Catalogue And Discovery of many of the Errours, Heresies &c vented and acted in England in these four last years" (B. M., E. 323 (2)). An extract taken from p. 105 will best show us his understanding of the situation:

Two well-affected citizens related to me December 18, That speaking with an Independent Minister in this City, of Paul Best's damnable Doctrines against the Trinity and of his Blasphemies, for which he was imprisoned: He Answered, this imprisonment would do no good at all; It was Replied, What if this Best or any Arrian would gather a Church and vent his Opinions, shall the Magistrate suffer them? What must be done in this case? The Minister answered, cause him to sweat with Arguments; but there was no Authoritative power under the Gospel to remedy it. These citizens objected that in the 13 of Deuteronomy, Whether such a man should not be punished as well as the false Prophet? The Answer was, Christ in the Gospel had moderated things; Adultery was death under the old Law, and yet Christ let the woman

go away taken in Adultery; and so it was in this case. One of these Citizens told me also, he spake of these things to another Independent Minister, who made an Answer to the purpose, That the Magistrate might not punish such; adding The Magistrate had nothing to do in matters of Religion, but in civil things only. Another well-affected Citizen, and a Common Council man of good worth related to me and others that an Independent Minister within a few miles of London, one Mr. L. had said to him, That men ought not to be troubled for their consciences, but Papists should be suffered; and for his part, if he knew Papists who were at their Devotions of beads, Images, &c. he would not have them hindered or disturbed.

In summary, it is safe to say that this was a transitional epoch with the Independents. That there was a change, and that recent, is plain from Edwards' citation of these particular instances and from his astonishment that even these few should be straying so far from the orthodox position. This transition makes it entirely impossible even approximately to locate or describe the denominational situation.

It is in this period that two of the best-known English authors appear as advocates in the cause of liberty. They are John Milton and Jeremy Taylor. Besides them, a prominent London minister and writer occupies no insignificant position. Jeremy Taylor, at one time bishop of Downs, was a devoted son of the Episcopalian church. John Goodwin,[57] while twice the minister of Coleman Street Church, London, was dishonored by the Episcopalian establishment for his heretical doctrines, and may not be classed with any organization. Milton, likewise, cannot properly be classified.

"Areopagitica; a Speech of Mr. John Milton For the Liberty of Unlicensed Printing," was produced in the year 1644. (B. M., E. 18 (9).) Though the subject is narrowed down to the expression of thought in print, principles are discussed that are applicable in the whole range of conscience. The author began by presenting arguments from the less pure motives and proceeded to the higher. He stated the order and content of his tract in the following words:

[57] Stoughton says that Goodwin advocated Independent principles in a parish church, and classes him with the Independents. By the same kind of reasoning Milton is made a Baptist by some. (Vol. I, pp. 338 f.)

I shall now attend with such a homily, as shall lay before ye, first the inventors of it [the licensing of printing] to bee those whom ye will be loath to own ; next what is to be thought in generall of reading, whatever sort the Books be ; and that this Order avails nothing to the suppression of scandalous, seditious, and libellous Books which were mainly intended to be suppprest. Last that it will be primely to the discouragement of all learning, and the stop of Truth, not only by disexercising and blunting our abilities in what we know already, but by hindering and cropping the discovery that might yet be further made both in religious and civil Wisdome. (Pp. 3 f.)

Keeping in mind that it was Milton's difficulty in getting his work on divorce printed that occasioned this treatise, it must also be remembered that upon this subject he expressed some of his noblest thoughts. The leading theory of persecution had rested on the hypothesis that to remove the temptation to evil was to obtain righteousness. Says Milton :

They are not skilful considerers of human things, who imagin to remove sin by removing the matter of sin ; for, besides that it is a huge heap increasing under the very act of diminishing, though some part of it may for a time be withdrawn from persons, it cannot from all, in such a universal thing as books are ; and when that is done yet the sin remains entire (pp. 17 f.).

With careful discrimination he reminded the Presbyterian Parliament that persecution was an effective advertising agency. He spoke of the Presbyterians thus :

Although their own late arguments and defences against the Prelats might remember them that this obtruding violence meets for the most part with an event utterly opposite to the end which it drives at ; instead of suppressing sects and schisms, it raises them and invests them with a reputation; The punishing of wits enhances their authority saith the Vicount St. Albans, and a forbidden writing is thought to be a certain spark of truth that flies up in the faces of them who seek to tread it out. This order therefore may prove a nursing mother to sects, but I will easily shew how it will be a stepdame to Truth ; and first by disinabling us to the maintenance of what is known already. (P. 26.)

The subject of heresy was so much debated that his opinion of it is called forth :

A man [he asserts] may be a heretick in the truth ; and if he beleeve things only because his Pastor says so, or the Assembly so determines without having other reason, though his belief be true, yet the very truth he holds becomes his heresie (p. 26).

In his treatment of this subject Milton has drawn his arguments from reason, attempting to prove that the printing of books ought to be allowed without receiving the sanction of a public licenser. In the time of the Protectorate, fifteen years later, he put out "A Treatise of the Civil Power in Ecclesiastical causes showing that it is not lawfull for any power on earth to compell in matters of Religion" (B. M. 1019, b. 18). In preference to making separate statements of Milton's part in this contest, I will treat this later document out of its order in time. It comes in properly at the close of the Protectorate epoch and is "Directed to the Parliament of the Commonwealth of England about to assemble." The restoration of the Stuarts followed soon.

This argument is far more general and comprehensive than the former. Scripture has a large place in it. The author seeks to inculcate a desire for freedom of thought in the future government. His first proposition is that "no man or body of men in these times can be the infallible judges or determiners in matters of religion to any other men's consciences but their own" (p. 6). His line of thought did not differ so much from that of some who preceded him, but in his answers to objections he is peculiar. His discussions of blasphemy and heresy are full of meaning:

> But some are ready to cry out, what shall be done to blasphemie. Them I would first exhort not thus to terrify and pose the people with a Greek word; but to teach them better what it is; being a most usual and common word in that language to signifie any slander, any malitious or evil speaking, whether against God or man or anything of good belonging; blasphemie or evil speaking against God malitiously, is far from conscience in religion. . . . . Another Greek apparition stands in our way, heresie and heretic; in like manner also rail'd at to the people as in a tongue unknown. They should first interpret to them, that heresie, by what it signifies in that language is no word of evil note; meaning only the choice or following of any opinion good or bad in religion or any other learning; and thus not only in heathen authors, but in the New Testament itself without censure or blame. Acts 15:5 & 26:5. 1 Cor. 11:18, 19. (Pp. 16 f.)

On this subject he wrote further that

> he then who to his best apprehension follows the scripture though against any point of doctrine by the whole church received, is not the heretic; but he who follows the church against his conscience and persuasion grounded on the scripture (p. 2).

Later Milton specifies particularly those whom he regards as heretics, and thus, in his estimation, not to be tolerated:

> To protestants therefore whose common rule and touchstone is the scripture nothing can with more conscience, more equitie, nothing more protestantly be permitted than a free and lawful debate at all times by writing, conference or disputation of what opinion soever disputable by scripture; concluding that no man in religion is properly a heretic at this day, but he who maintains traditions or opinions not probable by scripture, who for aught I know is the papist only; he is the only heretic, who counts all heretics but himself (pp. 22 f.).

Milton must ever be considered a powerful advocate of liberty. It could hardly be otherwise when his genius was applied to this end. As a political thinker he saw in liberty a means of furthering the interests of the state. As a religionist he rejected the Old Testament theory of persecution, but was unable to find a place for a Papist in a Protestant nation. He conceived discussion to be good, but it should be limited by the bounds of Protestantism.

The part which Jeremy Taylor took in this struggle was also conspicuous. The Presbyterian régime left no place for him in his bishopric, so he was in exile. He wrote as a sufferer. After the Restoration he returned to persecute as a conqueror.[58] Admitting that his "Liberty of Prophesying" was of incalculable value in forwarding the noble cause, it is not difficult to see why so logical an advocate of freedom should be intolerant in certain respects. His doctrine and practice were not entirely inconsistent, for he said: "Let the prince and the secular power have a care the commonwealth be safe. For whether such or such a sect of christians be to be permitted is a question rather political than religious." (P. 225.) This idea he made important by reiteration. In the "Epistle Dedicatory" he outlined his course of thought, saying:

> And first I answer that whatsoever is against the foundation of faith, or contrary to good life and the laws of obedience, or destructive to human society, and the public and just interests of bodies politic, is out of the limits of my question, and does not pretend to compliance or toleration.

[58] At the Restoration, when episcopacy was again enthroned, Jeremy Taylor was reinstated in office, and from that time officiated as bishop of Downs. He was thus a party to and a participant in the infamous persecutions of the later Stuart period.

Secondly, the intendment of my discourse is that permissions should be in questions speculative, indeterminable, curious, and unnecessary; and that men would not make more necessities than God made, which indeed are not many.

Having denied in such manner that he holds to anything more extreme than a limited toleration, he then affirms his belief:

Only let not men be hasty in calling every disliked opinion by the name of heresy; and when they have resolved that they will call it so, let them use the erring person like a brother, not beat him like a dog, or convince him with a gibbet, or vex him out of his understanding and persuations.

Bishop Taylor's reason for granting the partial toleration which he recommended is found in the impossibility of determining the exact truth. He did not accord freedom of thought as the right of men, but as the proper concession in consideration of the imperfections of revelation and the human understanding. He devoted eight sections to setting this forth. It is a question, however, whether this elaborate and thoughtful discourse, unideal as it is, did not produce more favorable consideration of the subject than many expressions of higher conceptions. Whether this is true or not, so great a scholar cannot be justified in not recognizing an important Christian principle which had been set forth and explicated many times.

John Goodwin, in the "Hagiomastix, or Scourge of the Saints," withstands the attack of the Presbyterian Thomas Edwards. (B. M., E. 374 (1).) He had previously published certain "Queries" upon the subject, which he admits contained "nothing insinuating nothing prejudiciall in the least either to the lawfull authority of the Civill Magistrate, or to any orderly, due or effectuall course for suppressing of errours and Heresies." In this rebuttal of Edwards he advanced a strong argument against persecution. It is primarily a polemic against Presbyterianism. The opposition of Edwards was bitter, and Goodwin responded with strong feeling.

Again in 1653 he presented to the public his "Thirty Queries —Whether the Civil Magistrate stands bound by way of Duty to interpose his Power or Authority in Matters of Religion, or Worship of God" (B. M., E. 698 (4)). In these last queries,

while no positive expression of opinion is made, one can but infer that the author favored full liberty in religious affairs. His questions are so asked as to offer a forcible argument for freedom. The general effect of his work at least was to promote liberty of conscience. He asserted, however, that for his part "hee shall thinke it equall and meet hee that shall doe presumptuously, and not hearken unto what is by infallible Revelation from God should be put to death" (p. 130). This has been quoted by Thomas Edwards with evident pleasure.[59] Samuel Rutherford, another opponent, interpreted him differently, saying "Mr. John Goodwine, who contendeth for a catholike tolleration of all, of any religion whatsoever, whether they erre in fundamentals or non-fundamentals."[60]

Some further notice is due to the leaders of the opposition. They came from the Presbyterian hosts. Thomas Edwards was easily first among them. He created the sensations of the time. His delineations of the existing heresies must have been startling to the conservatives. These effects he obtained by his particular descriptions. Beyond this, he was strong in logic and research. The "Gangena" and "The Casting Down of the last and strongest hold of Satan" are the works in which he treated the subject.

Adam Stuart considered the philosophy of tolerance in his "Second Part of the Duply to M. S. alias Two Brethren." His particular purpose was to support the Presbyterian attitude of intolerance toward Independency. His book is lengthy, and, if it was as difficult to write as it is to read, was a laborious attempt to sustain the government.

Robert Baillie performed a work similar to that of Edwards. He thought that a statement of the doctrines of the Independents, Anabaptists, and others would be sufficient to condemn separatism entire. His principal work was the "Diswasive from the Errours of the Time."

The most learned and extensive treatise was of Scottish origin. Samuel Rutherford was professor of divinity in the University of St. Andrews. From his pen came "A Free Disputation

[59] *Casting Down of the last and strongest hold of Satan*, p. 115.

[60] *Free Disputation*, etc., p. 64.

against pretended Liberty of Conscience." Energy and acumen were lavished by these opponents in their attempt to silence the increasing sound of the advocates' voices. Besides those mentioned many others were engaged in the struggle. Titles of the works of some of them may be found in the bibliography.

2. *Protectorate.*—A new element entered into the contest at this point. Heretofore the truth has been advanced by instruction and plea. It was argued in conversation, urged by the orator, and advocated by the printed page. Now it is to be exemplified. Cromwell did not himself hold the highest conceptions on the subject, but he put in practice the views he did hold. By him the leading sects were all tolerated. The nation was ready for no such freedom, but the people were forced to concede each others' rights. The English government was as little representative as at any period in its history. Yet this short specimen of limited toleration (for such it was) led many men to see its desirability. The nation went back heartily to the domination of overbearing kings, but never quite forgot the days of Cromwellian freedom.

Full liberty of conscience was not accorded by the Protector, nor even conceded by him as a principle. In a speech before Parliament in 1654 he presented the following paragraph:

> And indeed the character, wherewith this spirit and principle is described in that place, is so legible and visible that he that runs may read it to be amongst us: for by such the grace of God is turned into wantonnesse; and Christ and the Spirit of God made the cloak of all villainy and spurious apprehensions, and although these things will not be owned publicly as to practise (they being so abominable and odious) yet how this principle extends itself and whence it had its Rise makes me think of a second sort of men; who it's true, as I said will not practise nor own these things; yet can tell the magistrate, that he hath nothing to do with men thus holding, for these are matters of Conscience and Opinion; they are matters of Religion; for what hath the Magistrate to do with these things? he is to look to the outward man, but not to meddle with the inward. And truly it so happens that though these things do break out visibly to all, yet the principle wherewith these things are carried on so forbids the Magistrate to meddle with them as it hath hitherto kept the offenders from punishment. Such considerations and Pretensions of Liberty; Liberty of conscience and Liberty of Subjects, two as glorious things to be contended for as any God hath given us; yet both these abused for the patronizing of villainies, insomuch as that it hath been an

ordinary thing to say and in Dispute to affirm, That it was not in the Magistrates power; he had nothing to do with it; no not so much as the printing a Bible to the nation for the use of the people, lest it be imposed upon the consciences of men; for they must receive the same Traditionally and implicitly from the power of the Magistrate if thus received. The afore mentioned abominations did thus swell to this height amongst us.

This deliverance might cause one to suppose that Cromwell was denouncing the practice of licentiousness under the protection of the rights of conscience, did he not announce to us, as the extreme of these villainies, the opposition to putting forth a national Bible for the use of the people. But probably the most exact statement of his view occurs in a state paper of the year 1653, the thirty-sixth and thirty-seventh articles of which contain the following assertions:

That none be compelled to conform to the public religion, by penalties or otherwise; but that endeavours be used to win them by sound doctrine and the example of a good conversation.

That such as profess faith in God by Jesus Christ though differing in judgment from the doctrine or discipline publicly held forth shall not be restrained from, but shall be protected in the profession of their faith and exercise of their religion, so as they abuse not this liberty to the civil injury of others, and to the actual disturbance of the public peace on their part; provided this liberty be not extended to Popery or Prelacy, or to such, under a profession of Christ as hold forth and practise licentiousness.

These limitations in doctrine prepare us to hear of persecutions for conscience sake under the Protectorate. Such a complaint comes to us in a pamphlet of 1655, entitled "A True State of the Case of Liberty of Conscience in the Commonwealth of England" (B. M., E. 848 (12)). This is an apology for the life and teachings of Mr. John Biddle, Unitarian, who was imprisoned without trial, and kept for several years in the Poultry-Compter and Newgate prisons.

"The Enmite between the Two Seeds" (B. M., E. 848 (19)) came out the same year. It is a biographical apology of John Whithead, a Northampton Quaker. He with others had been arrested in 1654 and imprisoned for preaching. So even Cromwell, though in advance of many, did not obtain liberty of conscience for his subjects, nor did he accept it as a doctrine.

The Quakers come into notice here as advocates of liberty. Their first deliverance came from the pen of George Fox, in 1653. His language was not very dignified, and his reasoning was painfully inconsequential. He began a movement, however, the effect of which was not insignificant. His work has for its subject "A Warning to the Rulers of England Not to usurp Dominion over the conscience nor to give forth Lawes contrary to that in the conscience" (B. M., E. 727 (9)). A few short quotations will show the animus of the tract and the manner of the writer:

> But you that go to make Lawes in your wils against the Righteous and them that act according to that in the conscience, which is according to the law of God, which is perfect and forever, the Law of God will hew you down, which is forever as it has done many generacions before you.
>
> Oh, never profess Christ and guard your church and ministry, as you call it, with a popish Antichristian Law. Let this never be mencioned in Ages to come as it is mentioned in this Age, how many have suffred by her Law, and suffers now, and yet you cry up the Gospel, and cry against such as act according to that in the conscience.
>
> They that fear the Lord have mutual Peace among themselves, you need not make a Law for them.

Fox was impressed rather with the particular claims of the Quakers than with the Scripture demands for unlimited freedom. The agony of his people aroused his wrath. He was not calm enough to argue. The peculiar sanctity of this followers could not allow him to plead in humility. He could scarcely utter anything but threats.

CHAPTER IV.

LATER STUART PERIOD.

The Protectorate, never altogether acceptable to the people, became more and more unpopular. This revulsion of feeling became well-nigh universal. To turn away from the Cromwell family was to turn back to the Stuart line. The early Stuarts, James I. and Charles I., had exasperated the nation by attempting to force their claims of absurd prerogatives. Now the later Stuarts, Charles II. and James II., are to be seen incurring displeasure and disgust by their arbitrary and incompetent domination. The tyranny of this house was first interrupted by a rebellion and civil war; it is next to be terminated by a nearly unamimous, and therefore a bloodless, revolution.

When Charles II. was invited into the kingdom, and before leaving the continent, he was approached by the English dissenting bodies. Through their representatives they sought to secure, each for itself, religious rights or privileges in harmony with its ideas of toleration. The Presbyterians were most forward in making their arrangements with Charles. They had become displeased with Cromwell because of his tolerant disposition. It was within their hopes to obtain a national church after the Presbyterian form. They proposed that the Prayer Book should be revised and used. In all this Charles craftily encouraged them.

The Baptists met the newly selected king with propositions. These propositions were drawn up and signed by ten prominent men, among whom was John Sturgion. In accordance with their doctrine, as previously seen, they sought to obtain full liberty of conscience. Their third proposition reads:

> Forasmuch as it cannot be denied but that our Lord and Saviour Jesus Christ, by his death and resurrection has purchased the liberties of his own people, and is thereby become their sole Lord and King, to whom, and to whom only, they owe obedience in things spiritual; we do therefore humbly beseech your majesty, that you would engage your royal word never to erect or suffer to be erected, any such tyrranical, popish, and Antichristian hierarchy (episcopal, presbyterian, or by what name soever it may be called,) as

shall assume a power or impose a yoke upon the consciences of others; but that every one of your majesty's subjects may hereafter be left at liberty to worship God in such a way, form, and manner, as shall appear to them to be agreeable to the mind and will of Christ, revealed in his word, according to that proportion or measure of faith and knowledge which they have received.[61]

In response to these and other approaches, the new government, when it was established (1661), called together the Savoy Conference. The Independents and Baptists took no part in this, for it was soon seen to be an attempt to form a new national creed. The prelates of the old establishment, having come into power again, offered to make certain concessions. The Puritans present accepted none of them. The matter was then taken up politically, and in the next year the "Act of Uniformity" was passed. This law provided that every clergyman and schoolteacher refusing to express his assent to everything demanded in the Book of Common Prayer, on or before August 24, 1662, was to be precluded from holding a benefice, and every occupant of a benefice must have been ordained by a bishop, and all must renounce the "Solemn League and Covenant."[62] This resulted in the ejectment of two thousand ministers from their cures on St. Bartholomew's day (August 24), which was just before the annual collection of tithes. Many of these ejected ministers were Presbyterians, Independents, and Baptists, appointed by Cromwell.

During this same year the Corporation Act was also passed and received the royal assent. It provided that all who held offices in municipal corporations must renounce the covenant and take an oath of non-resistance to the crown declaring it unlawful to bear arms against the king, and that no one should hold municipal office who had not received sacrament according to the rites of the Church of England.[63] The object of this law was to keep dissenters, not only out of the offices of the corporations, but also out of the House of Commons, since many of its members were elected by the corporations.

[61] EDWARD, EARL OF CLARENDON, *Hist. of Rebellion and Civil Wars in England*, Book XV, Vol. VI, p. 8, of Oxford ed.

[62] GEE AND HARDY'S *Documents*, pp. 600–619. [63] *Statutes of the Realm*, V, p. 321.

The Conventicle Act and the Five Mile Act followed hard after these enactments. The former was passed in 1664, to continue in force three years. It defined a conventicle as five persons in a gathering, over and above the residents of the place. All conventicles for worship, save those of the established church, were forbidden. Severe fines were exacted of all who were convicted of participating in such unlawful meetings. In 1670 this law, slightly modified, was reënacted. The Five Mile Act, passed in 1665, provided that expelled ministers, until they had subscribed to the Act of Uniformity and taken oath that resistance to the king was unlawful, should not settle within five miles of any corporate town or get their living by teaching in any public or private school, or be within such distance of a corporation or borough except only to pass along the road.[64]

In 1673 the Test Act was passed, by which no person was allowed to hold office under the crown unless he had taken sacrament according to the rites of the Church of England and made a declaration against transubstantiation. This act was not directed so much against the dissenters in general as against the Duke of York, who was heir to the throne and was a Roman Catholic.

The partial enforcement of these laws caused great distress among the dissenters. Imprisonments, fines, and confiscations were very frequent. Many who were wealthy became poor from confiscations. Many whose health had been vigorous died from imprisonment. The government did not revive the act for the burning of heretics; but, short of that, it neglected nothing that would make the lot of the dissenters miserable. The sentiment of the majority of the people would not longer endure the death penalty for religious nonconformity, but did not revolt at imprisonment in unwholesome jails which slowly effected the same result in many cases. Since the days of Queen Mary, England had not seen such persecution. Nor did this arise so much from the cruelty of the king as from the determination of the ministry to keep down dissent and thus avoid another such a revolution as arose in the days of Charles I.

[64] *Statutes of the Realm*, V, p. 575.

The accession of James II., whose desire was to reinstate Roman Catholicism, effected a marked change in the treatment of the dissenters. In 1687 the king put out his Declaration of Indulgence, by which he suspended all laws for conformity and also all tests, suggesting that Parliament would doubtless uphold him when he saw fit for it to meet.[65]

Such were the conditions under which the contest for liberty of conscience was carried on during this later Stuart period. Just previous to it the ruling element of the people had been favorable to a general toleration of the sects, for dissent was then in power. A general revulsion of feeling against the Cromwell party let into power the party of the old establishment, whose hostility toward dissenters was sharpened by its sufferings and its desire to stifle such dangerous foes.

In these trying circumstances the Baptists continued to prosecute the cause of full liberty of conscience. In March of the year 1660 a declaration of faith was put forth, "Subscribed by certain Elders, Deacons, and Brethren met in London, in behalf of themselves, and many others unto whom they belong, in London, and in several Counties of this Nation, who are of the same faith with us." This document consisted of twenty-five articles, was signed by forty-one persons, and is stated to have been "Owned and approved by more than twenty thousand." Article XXIV stands as follows: (We believe)

That it is the will and mind of God (in these Gospel times) that all men should have free liberty of their own consciences in matters of Religion or worship, without the least oppression, or persecution, as simply upon that account; and that for any in authority otherwise to act, we confidently believe is expressly contrary to the mind of Christ, who requires that whatsoever men would that others should do to them, they should even so do unto others. Matt. 7. 12. And that the Tares and the Wheat should grow together in the field, (which is the world) until the harvest (which is the end of the world) Mat. 13. 29, 30, 38, 39.

In the next article (XXV) they admit, in explicit language, the civil function of the magistrate, but refuse to obey when he "imposes things about matters of religion" which conflict with their consciences. They do not claim that their views are widely adopted, but say:

[65] GEE AND HARDY'S *Documents*, pp. 641–4.

These things O ye sons and daughters of men we verily believe to be the Lord's will and mind, and therefore cannot but speak, and if herein we differ from many, yea from multitudes, from the learned, and the wise and prudent of this world we (with Peter and John) do herein make our solemn and serious appeal namely, whether it be right in the sight of God to hearken unto men (of a contrary persuasion) more than unto God. (B. M., E. 1017 (14).)

By this time a considerable number had arisen to sustain these unpopular doctrines. The effect of an organization numbering twenty thousand, the purpose of which was mostly propagation of opinion, will seldom be overestimated. Admitting themselves that they were unlearned, no one would admit that they were not zealous.

A short pamphlet was published this same year (1660) which attracted no little attention. Some persons in Kent were arrested because of their Baptist views and incarcerated in the "Gaol of Maidstone." Their sufferings brought out, not only a complaint, but another statement of opinion. They proposed to prove that "no power is given to the magistrates as such to impose anything in the worship and service of God on the conscience." Some of the points they attempt to make in it are: (1) If magistrates have authority, all magistrates, even Papists and Turks, have such authority. (2) If they have any such power, it must have been given by Christ, who has all power on earth and in heaven, but the whole stream of New Testament Scripture runs in another channel. (3) The apostles, who gave the commands concerning obeying the magistrates, disobeyed their rulers in religious matters. All the Scriptures of the New Testament were written when the idolatrous Romans ruled. (4) If magistrates have such power in spiritual matters, then Christians must be actually obedient, and that for conscience sake, and otherwise they would resist the ordinance of God. This would remove all responsibility from men not magistrates.[66]

A far more comprehensive argument[67] appeared in 1661. It was signed Thomas Monch, Joseph Wright, George Hammon, William Jeffery, Francis Stanley, William Reynolds, and Francis Smith. Its title is "Sions Groans for her Distressed." The design is set forth in a prefatory address to the "Courteous Reader."

[66] CROSBY, Vol. II, pp. 22–6. [67] *Ibid.*, pp. 98–144.

It is for the "general good, in setting at liberty that which God made free, even the conscience." Mention is made of the controversy that "is now on foot as to uniformity in worship." The Baptists before them, like all others, had quite regularly appealed to the magistrates for redress from their grievances; but here they begin to appeal to humanity in general. In the introduction they say:

> Lest therefore, those unchristian principles of persecution for conscience should take root in this nation, we have here following written some arguments which we humbly offer to all men, to prove how contrary to the Gospel of our Lord Jesus, and to good reason, it is for any magistrate, by outward force, to impose anything in the worship of God, on the consciences of those whom they govern.

The subject discussed by the authors was put in the form of a dilemma: "If any magistrate under heaven, in the days of the Gospel, hath power by outward force to impose anything in the worship of God, on the conscience; it is given as a magistrate only, or as a christian so considered." Both horns of this dilemma are denied and their denial vigorously sustained, each being opposed by five arguments. No new treatment of the subject is found here. Its effect, however, is made plain by the lengthy rebuttal published by the prominent author, Henry Savage. This came out in 1663, under the heading, "The Dew of Hermon, Which fell on the Hill of Sion, or an Answer to a Book entituled Sions groans for her distressed &c." (Newberry Lib.). Savage spent eight elaborate sections in attempting to refute what he regarded "the Anabaptists" to oppose in the established church doctrines that is not mentioned in the work that called forth his opposition. He inferred that the Münster Anabaptists were on a par with the Maidstone prisoners, and that they were responsible, at least in part, for the Venner insurrection.[68]

[68] Venner was a fanatical wine-cooper who, during the rule of Cromwell, was engaged in plotting against the government, and therefore was seized with everal of his confederates. After the Restoration, he, with about fifty associates, took violent possession of St. Paul's in the name of King Jesus, as they said. The first troop sent to dislodge them was unsuccessful. On the approach of the lord mayor's forces they drew off into the woods near Highgate. Later, being nearly famished, they made a desperate charge into the city and were with difficulty overcome by the city regiments. The Quakers, Anabaptists, and Independents disowned any sympathy with this fifth monarchy outbreak. (Letter of Sir John Finch in J. Stoughton, *Rel. in Eng.*, Vol. III, pp. 140 f.)

In a sentence he expressed the essential difference in hypothesis between Baptists and Pedobaptists: "And albeit these men will (what never any, but persons sprung from Anabaptists did) reject all examples and testimonies out of the Old Testament, unless it serve their turn." This charge, while made to sound unpleasant by the harshness of phraseology induced by rank hostility, still expresses the truth. These pamphlets, like many that came out before them, made clear that the Baptists supported their views concerning Christian duty by arguments from the New Testament, and not from the Old, if in their judgment the teaching of the Old conflicted with that of the New. That it was possible for the Jewish revelation and the Christian revelation to give contradictory impressions they conceded.

During this year John Sturgion, one of the Baptists who represented the denomination in approaching Charles before he had entered the kingdom, put out "A Plea for Tolleration of Opinions and Perswasions in Matters of Religion Differing from the Church of England" (B. M., E. 1086 (3); also Tracts.) Though given a high place by some, this effort is scarcely worthy of mention here. The king's promise of toleration, which was made at Breda, is recalled to his attention. Baptists are exonerated from complicity in the Venner insurrection. A few of the ordinary reasons were barely mentioned. As weak as this tract is, it was reprinted in 1686, evidently appealing to someone as a valuable contribution to the literature on the subject.

Various confessions of faith were put forth by these people during the later years of Stuart rule. This doctrine is expressed in various forms in them. The confession of 1677, which was reiterated by the assembly of 1689, says:

> God alone is Lord of the conscience and hath left it free from the doctrines and commandments of men which are in anything contrary to his word or not contained in it. So that to believe such doctrines, or obey such commands out of conscience and the requiring of an implicit faith, and absolute blind obedience is to destroy liberty and reason also.[69]

In 1678 an anonymous publication came out styled "An Orthodox Creed or a Protestant Confession of faith &c. &c. Being an Essay to Unite & Confirm all true Protestants in the

[69] Crosby, Vol. III, p. 258, and App., p. 93.

fundamental Articles of the Christian religion against the Errours and Heresies of Rome." The times are a commentary on the purpose of this production. James II. was on the throne. As an avowed Roman Catholic, he was arbitrarily granting toleration to both Catholics and dissenters. Dissenters were being cajoled to make favors to Catholics appear consistent. This aroused Protestants in general to oppose the reëntrance of Romanism into England. Article XXVIII, upon the subject of baptism, makes it plain that the document was of Baptist origin. So it appears that this was given out by the Baptists as a model confession, by the acceptance of which all Protestants could unite in an intelligent Christian faith which would effectually resist Romanism, without denying it the right to exist. Its statement concerning consience is found in Article XLVI:

> The Lord Jesus Christ who is king of kings and lord of all by purchase, and is judge of quick and dead is only Lord of Conscience; having a peculiar right so to be. He having died for that end, to take away the guilt, and to destroy the filth of sin that keeps the conscience of all men in thraldom and bondage till they are set free by his special grace. And therefore he would not have the consciences of men in bondage to or imposed upon by any usurpation, tyranny, or command whatsoever, contrary to his revealed will in his word, which is the only rule he hath left for the consciences of all men to be ruled, and regulated and guided by, through the assistance of his spirit. And therefore the obedience to any command, or decree that is not revealed in or consonant to his word in the holy oracles of scripture is a betraying of the true liberty of conscience. And the requiring of an implicit faith, and an absolute blind obedience destroys liberty of conscience, and reason also, it being repugnant to both, and that no pretended good end whatsoever by any man can make that action, obedience or practise, lawful and good that is not grounded in, or upon the authority of holy scripture or right reason agreeable thereto.[70]

It is likely that this last statement of the doctrine was softened in order to make more probable its acceptance by Pedobaptist thinkers. Such considerations, however, are not present to account for the increasing tameness of the arguments advanced. The Baptists did not fall away from the high ideal which they had held so long, but circumstances combined to decrease their ardor in its propagation. Prominent among these was the license accorded them by James. They did not approve

[70] CROSBY, Vol. III, second App., No. 1.

of the king's motives nor of the mere toleration accorded them, yet the fact that they took advantage of it diminished the force of whatever arguments they might make.

This is the period when the noted Baptist, John Bunyan, was most conspicuous. We are concerned to know his attitude on this question, the solution of which so much affected him personally. Though he did not enter the lists as a champion of liberty of conscience, he expressed himself upon the subject.[71] In a "Relation of the Imprisonment of Mr. John Bunyan," by himself, he speaks as follows concerning his trial in court:

> I said, shew me the place in the epistles where the Common-Prayer-Book is written, or one text of Scripture that commands me to read it and I will use it. But yet notwithstanding, said I, they that have a mind to use it, they have their liberty, that is, I would not keep them from it; but for our part we can pray to God without it.

Bunyan has also appended a note to this "Relation" in which he declares that "it is not the spirit of a christian to persecute any for their religion, but to pity them; and if they will to instruct them." Bunyan's disposition to evangelize rather than to indoctrinate explains his silent acceptance of the right of private judgment.

The position taken by the Independents in this part of the contest may be found succinctly stated in "A Declaration of the Faith and Order, Owned and practised in the Congregational Churches in England."[72] The twenty-fourth chapter treats the function of the civil magistrate. Their stand for toleration is taken in the following sentence:

> Although the Magistrate is bound to encourage, promote, and protect the professors and profession of the Gospel, and to manage and order civil administrations in a due subserviency to the interest of Christ in the world, and to that end to take care that men of corrupt mindes and conversations do not licentiously publish and divulge Blasphemies and Errors, in their own nature subverting the faith, and inevitably destroying the souls of them that receive them; yet in such differences about the doctrine of the Gospel, or ways of the worship of God, as may befal men exercising a good conscience, manifesting it in their conversation, and holding the foundation, not disturbing

[71] BUNYAN'S *Works*.

[72] Savoy, 1658. Printed London, 1659. (Dr. W.'s lib.)

others in their ways of worship that differ from them; there is no warrant for the Magistrate under the Gospel to abridge them of their liberty.

This toleration, then, was broad enough to include Christians (not Jews or Turks) who quietly held what they (the Congregationalists) regarded as the foundation of the faith, provided they did not propagate ideas considered by the Congregationalists as blasphemies and errors in their own nature. They could tolerate such differences about the doctrine of the gospel, or ways of the worship of God, as were held by those whom they credited with exercising a good conscience.

The most notable commentator upon this view was the celebrated Dr. John Owen, of whom it is said that "with massive and sinewy brain and exhaustive learning" he "so built up the principles of Congregationalism that if all the works on that subject which have since been written were destroyed, the Congregational churches of England could stand behind his treatises as behind an impregnable rampart." He is also characterized as "the greatest champion of Independent principles that ever adorned the denomination."[73] This man was also regarded as a great champion of toleration.[74] His greatness and the force of his advocacy of his theory on this subject must be admitted. Owen was a conspicuous figure in the public life of the Commonwealth period, but his first important treatment of toleration came from

[73] SKEATS AND MIALL, *Hist. of Free Churches in Eng.*, pp. 61 and 71.

[74] In the Goold edition of OWEN'S *Works* is an undiscriminating tribute to Owen for his advocacy of toleration. "It is enough to say of Owen and his party, that in their attachment to these principles they were greatly in advance of their contemporaries; and that the singular praise was theirs, of having been equally zealous for toleration when their party had risen to power, as when they were a weak and persecuted sect. And when we consider the auspicious juncture at which Owen gave forth his sentiments on this momentous subject, his influence over that great religious party of which he was long the chief ornament and ruling spirit, as well as the deference shown to him by the political leaders and patriots of the age, it is not too much to say, that when the names of Jeremy Taylor and Milton, and Vane and Locke are mentioned, that of John Owen must not be forgotten, as one of the most signal of those who helped to fan and quicken, if not to kindle, in England that flame which, 'by God's help shall never go out;' who casting abroad their thoughts on the public mind when it was in a state of fusion and impressibility, became its preceptors on the rights of conscience, and have contributed to make the principles of religious freedom in England familiar, omnipresent, and beneficent as the light or the air." (ANDREW THOMPSON, *Life of Owen*, p. xli.)

the press in the year 1667. Two, and possibly three, pamphlets came from his hand that year. His "Peace Offering in an Apology and Humble Plea for Indulgence and Liberty of Conscience" is distinctly a denominational tract.[75] The purity of the doctrines of the Congregationalists is the ground on which he rests his claim for their indulgence. He urges that differences have always existed in the thought of Christians, and that therefore in their lesser differences they should be endured. The dissenters, he says, are the industrial backbone of the kingdom, and their injury is the injury of the kingdom. As a denominational apology this tract is all that could be desired; but to regard it as treating liberty of conscience is absurd. The gist of the inferences and arguments it contains may be summed up in a sentence: We have no legal right to exist as a denomination, but we are harmless, therefore do not disturb us.[76]

A much higher conception is found in "Indulgence and Toleration Considered."[77] In it Owen contends that the forcing of conscience by censures and punishments cannot be sustained by appeal to examples or precepts of either the Old or New Testament; that it is not expedient to force conscience; and that liberty of conscience is practicable for national affairs.

The third work, which probably appeared the same year (1667), has for its title "The Grounds and Reasons On which Protestant Dissenters Desire Their Liberty."[78] The grounds and reasons set forth are:

1. We are Protestants.

2. We are ready to make the renunciation of popish principles required by law.

3. "We own and acknowledge the power of the king or supreme magistrate in this nation as it is declared in the 37th article of religion."

[75] B. M. 4139 d.; also OWEN'S *Works*, Goold ed., Vol. XIII, pp. 541–73.

[76] "And what are We, that Public Disturbances should be feared from Us? Nec pondera rerum nec momenta sumus; By what way or means, were we never so desirous, could we contribute anything thereunto? What designs are we capable of? What interest have we to pursue, What Assistance to expect or look after? What title to pretend? What hopes of success? What Reward of any hazard to be undergone? We have no Form of Government, Civil or Ecclesiastical, to impose on the nation." (OWEN, *Peace Offering*, p. 8. B. M. 4139 d.)

[77] *Works*, Vol. XIII, pp. 518–40.

[78] B. M. 105, f. 20 (18), and *Works*.

Two reasons are here given as a plea for liberty. One is that they will not concede liberty to the Roman Catholics, and the other is that they hold the national doctrine on the subject of the magistrate. This unqualified acceptance of the thirty-seventh article of religion makes quite plain the views of the Independents in general and Owen in particular. This article, established in 1571, is well worth our consideration. It reads:

The Queene's Majestie hath the cheefe power in this Realme of Englande, and other her dominions, unto whom the cheefe government of all estates of this Realme, whether they be Ecclesiastical or civile, in all causes doth appartein, and is not, nor ought to be subject to any forraigne jurisdiction.

Where we attribute to the Queenes Majestie the cheefe government, by which titles we understande the mindes of some slaunderous folkes to be offended: we give not to our princes the ministering of God's word, or the sacraments, the which thing the Injunctions also lately set forth by Elizabeth our Queene, doth most plainlye testifye: But that only prerogative which we see to have ben geven alwayes to all godly Princes in holy Scriptures by God himselfe, that is, that they should rule all estates and degrees committed to their charge by God whether they be Ecclesiastical or Temporall, and restrain with the civill sworde the stubborne and evylldoers.

The bishop of Rome hath no jurisdiction in this Realme of England. The lawes of the Realme may punish Christian men with death for heynous and greevous offences.

It is lawfull for christian men, at the commaundment of the Magistrate, to weare weapons, and serve in the warres.[79]

This article, given here entire, early became the Church of England's warrant for persecution. In ecclesiastical affairs, as well as civil, the sword is assigned its part to play. To approve of this article was to sanction England's main statute of oppression.

Two years later, in 1669, Dr. Owen put forth another tract upon this subject.[80] In size it is quite pretentious, making a volume of 409 pages. That the author's thought had suffered no material change in the intervening time may be indicated by one quotation:

To take care of the church and religion, that it receive no detriment, by all the ways and means appointed by God and useful thereunto, is the duty of magistrates; but it is also, antecedently to their actings unto this purpose,

[79] HARDWICK, *Hist. of the Articles*, App. VII, p. 313.

[80] *Truth and Innocence Vindicated.* B. M. 4103, b.

to discern aright which is the church whereunto this promise is made ; without which they cannot duly discharge their trust nor fulfil the promise itself (p. 402).

In other words, Owen maintains that there is one true church, that it should be cared for by the state, that the king must decide which this church is, and that unless he makes the right selection he cannot discharge his duty. Such a mixture of prerogative and responsibility certainly would have made the magistrate's position a delicate one.

These are the documents upon which must rest the claim that John Owen was one of the great advocates of tolerance and liberty of conscience. As an exponent of his denomination he was truly illustrious, but his conceptions on this topic were far from ideal.

In this period the Quakers enter prominently into public view for the first time. George Fox has already been seen to break forth in a denunciation of persecution and the persecuting party. This was only the beginning of a fusillade which was to continue for more than a score of years. On the accession of Charles II. Fox greeted him with a pamphlet "Concerning Religion and the Spirit of Persecution." In it Fox instructed the king how to act in religious matters. No argument is attempted, but a succinct statement of duty is presented. Among other recommendations is one for unlimited toleration.[81] Six Quakers, Fox being the first among them, appealed to the king and Parliament in 1661. As taxpayers they desired to have "as much liberty as Stage-Players and Montebanks, and Ballad-Singers, who meet together in hundreds to the Dishonor of God." (B. M. 4152, c. 21, p. 7.) Only a few of the most ordinary arguments against persecution are mentioned. After this several tracts appeared. In them Fox displayed great perseverance and determination. He seldom rose above the distress and needs of his particular flock, though he held to the theory of liberty of conscience. He was not a logician. He lacked force, order, and fulness. In these writings he displays less than ordinary

[81] "A Noble Salutation And a Faithful Greeting Unto Thee Charles Stuart," etc. B. M.,—4.

acumen. His position in this contest was that of an adherent who possessed a power of leadership by which he so trained his followers that they became better advocates than he.

One of these followers was Edw. Borroughs. In his "Just and Righteous Plea" he attempted to show that persecution was an enemy to the king's person and authority. His ten reasons for this are:

1. It eats out the affections of many good and sober people.
2. It is contrary to the trust God hath reposed in him.
3. Its partiality may cause heart burnings, envyings, strifes and murmurings among his subjects.
4. It provokes God to be offended with him.
5. It provokes the Lord not only to anger but to judgment.
6. It makes righteous men sad and weakens their affections.
7. It makes the King dishonorable in the sight of all.
8. Persecution is of the Devil.
9. It follows the example of Pharaoh, Ahab, Herod, Nero, etc.
10. Its end will be the King's misery and destruction.[82]

While such argument is nowadays generally held to be puerile, there was a large class to whom this appealed on its publication. That it was exclusively religious in character would cause it to be regarded favorably by many.

As early as 1662 William Smith published a short treatise, giving most of his space to an apology for the Quakers, but expressing himself as favoring liberty to all. His most telling point is that, since all admit the doctrine of the gospel, all must admit toleration, since the gospel cannot effect its purpose without toleration. (B. M. 224, a. 42(5).)

By far the most able advocate among the Quakers signed his name P. (W.), and without doubt was William Penn. His pamphlet was written while he was a prisoner in Newgate. The subject is "The Great Case of Liberty of Conscience Once more Briefly Debated & Defended by the Authority of Reason, Scripture and Antiquity" (B. M., T. 407 (5)). He says:

> The present cause of this Address is to solicite a Conversion of that power to our Relief which hitherto hath been employed to our depression; that after this large experience of our Innocency, and long since expired Apprenticeship of cruel Sufferings, you will be pleased to cancel all our

[82] B. M. 4151, aa. 57.

bonds and give us a Possession of those Freedoms to which we are entituled by English Birthright.

A bare outline of the discussion will reveal many of its excellences:

CHAPTER I.

God's prerogative is invaded by imposition, restraint, and persecution.

1. They robb God of his Right of Creation.
2. They suppose infallibility in man, contrary to Protestant principles.
3. Man attributes all to himself, and takes God's share and his own too.
4. It defeats the work of his grace.
5. They assume the Judgment Seat.

CHAPTER II.

They overturn the Christian Religion,

1. In the Nature of it, which is meekness.
2. In the Practise of it, which is suffering.
3. In the Promotion of it, since all further discoveries are prohibited.
4. In the Rewards of it, which are eternal.

CHAPTER III.

They oppose the plainest testimonies of Divine Writ that can be, which condemn all force upon conscience.

CHAPTER IV.

They are enemies to the privilege of nature;

1. As rendering some more and others less than men.
2. As subverting the universal Good that is God's gift to men.
3. As destroying all natural affection.

CHAPTER V.

They carry a contradiction to government;

1. In the Nature of it, which is Justice.
2. In the Execution of it, which is Prudence.
3. In the End of it, which is Felicity.

In the sixth and last chapter examples of toleration are given and testimonies of authorities cited. The tract was drawn out by the oppression occasioned by the Conventicle Act, and its application is limited to the Quakers, but its arguments are general. A real liberty of conscience was the author's ideal. The work shows insight and ability. The propositions were freshly put, the arguments concise, and the proofs ample. This

is by far the greatest product which our subject has extracted from Quaker talent.[83]

The most interesting feature of this part of the contest was the opposition of the established-church party. Here is the beginning of their transitional period. There were many still to sustain persecution with great warmth. Unanimity, however, was past. The persecutions undergone by the churchmen during the Commonwealth period tended to overthrow their hypothesis that might and right were necessarily in coöperation in England. Jeremy Taylor's advanced position doubtless affected them somewhat. But the circumstances which aroused his mind probably came in course of time to work on many others as on him.

An anonymous document of some significance was printed at Oxford in 1670. It was directed against dissenters, and consisted of quotations from them in opposition to liberty. Its lengthy title suggests its motive and outlines its thought. It is: "Toleration Disproved and Condemned By the Authority and convincing Reasons of I. That Wise and Learned King James and his Privy-Councill. Anno Reg. 2d. II. The Honourable Commons Assembled in this present Parliament in their votes &c. 1662. III. The Presbyterian Ministers in the city of London met at Sion-Colledge December 18, 1645. IV. Twenty eminent Divines (most (if not all) of them Members of the late Assembly) in their Sermons before the two Houses of Parliament on Solemn Occasions, Faithfully Collected by a very Moderate Hand, and humbly Presented to the Serious Consideration

[83] "Confession of the Society of Friends, Commonly Called Quakers (A. D. 1675). The Fourteenth Proposition Concerning the Power of the Civil Magistrate, in matters purely religious and pertaining to the conscience.

Since God hath assumed to himself the power and dominion of the conscience, who alone can rightly instruct and govern it, therefore it is not lawful for anywhat-soever, by virtue of any authority or principality they bear in the government of this world, to force the consciences of others; and therefore all killing, famishing, fining imprisoning and other such things, which men are afflicted with, for the alone exercise of their conscience or difference in worship or opinion proceedeth from the spirit of Cain, the murderer and is contrary to the truth; provided always that no man under pretense of conscience, prejudice his neighbor in his life or estate, or do any thing destructive to, or inconsistent with human society; in which case the law is for the transgressor, and justice to be administered upon all without respect of persons." (SCHAFF, Vol. III, pp. 797 f.)

of all Dissenting Parties." (B. M. 4106 c.) The testimony of the wise and learned James was not of value to anyone in this conflict, since it could be cited in favor of both sides, but the quotations from the ministers were pertinent. The Presbyterians were hopeful at first that theirs would become the established church.[84] Upon being disappointed in this, they sought again to be tolerated The point of this pamphlet was that those who did not believe in toleration ought not to seek it for themselves. The names of the ministers whose testimonies are recited are of interest, since they quite definitely locate in this contest some conspicuous characters. They are: Dr. Cornelius Burgesse, Mr. John Ward, Mr. William Good, Mr. Thomas Thorowgood, Mr. Humphrey Hardwick, Mr. Arthur Salway, Mr. William Reyner, Mr. Thomas Case, Mr. John Lightfoot, Mr. Thomas Watson, Mr. George Hughes, Mr. Edmund Calamy, Mr. Richard Baxter, Mr. Thomas Horton, Mr. Lazarus Seaman, Mr. Matthew Newcomen, Mr. Richard Vines, Mr. Simeon Ash, Mr. James Cranford, Mr. Thomas Edwards. By presenting the bare quotations of these preachers the editor supposed that he had an irresistible argument as against their later pleas for privileges. The compilation exists as a perpetual memorial of the opposition of early Presbyterians to the right of private judgment. To us it is a notable instance of extreme weakness in arguments from testimony.

A pretentious tract (350 pages) also came out that year in favor of conformity. It was "Toleration Discussed in two Dialoges, I. Betwixt a Conformist and a Non-conformist; Laying open the impiety and danger of a General Liberty, II. Betwixt a Presbyterian and an Independent; Concluding, upon an Impartial Examination of their Respective Practises and Opinions in

[84] The London Presbyterian ministers who went as a deputation to the king before his entrance into the country are said to have adopted an intolerant policy They labored with Charles to get a promise from him that he would not make use of the Common Prayer, even in his private chapel. At any rate, they would have it altered by his chaplains. The king replied that, since they wanted liberty, they should accord the same to him. They objected to allowing the surplice to be worn, but he said that while giving so much liberty to others he must be left untrammeled. (*Cf.* STOUGHTON, III, pp. 68 f.)

Favour of the Independent" (B. M. 874, d. 24). The writer represented the nonconformists as advocating a limited toleration, which, he said, "would give abundant satisfaction" (p. 16). The conformist in the dialogue insisted that no toleration should be admitted, except with the allowance of the chief magistrate (sec. iii). The victory in this debate is ascribed to the conformist. In the second part the Presbyterian is condemned rather than the Independent, but neither is given much praise.

Henry Savage (noticed above) was probably the most effective advocate of intolerance at that time. His "Dew of Hermon," which was directed against the "Anabaptists," is a clear and pointed document. It refutes the proposition that, if magistrates as such have authority over the conscience, all magistrates, in all nations, have the same power. Savage claims that it was not so, for all have delivered into their hands either the book of nature or the book of the law of the Old Testament to guide in ruling. The Turk, in obeying the Alcoran, does not obey the book of nature. The king of Spain, having the Old and New Testaments, with their law, set up idolatry contrary to their contents. They are, nevertheless, to be obeyed passively. He asserts that Paul acknowledged the right of Felix and Festus to judge him concerning an article of faith, the resurrection of the dead. He admits that human "laws cannot properly be said to bind the conscience by the sole authority of the Law-givers," but he maintains that "they do it partly by the equity of the Laws, every man being obliged to promote that which conduceth to the public good." Savage held, with the Independents, that the magistrate was not to propagate the gospel. He was, rather, to be the "defender of the faith."

The position of the church was sustained by a popular and learned work of Dr. John Nalson, "The True Liberty and Dominion of Conscience Vindicated from the Usurpations and Abuses of Opinion and Persuasion" (B. M. 1113, h. 1. Second edition, 1678). He concerns himself to make hair-splitting distinctions between persuasions, opinions, and conscience. Though a laboriously critical work from the standpoint of language, it deals in wholesale commendation and condemnation. The church

is wholly right and the dissenters wholly wrong. This lavish expenditure of ability indicates the waning power of the cause sustained. In the palmy days of Episcopal intolerance under Queen Elizabeth there was no call for such strenuous exertions to confuse the minds of the people.

An incident occurred in 1682 which brings to our notice the change taking place in public sentiment. Dr. Nath. Bisbie preached a sermon on "Prosecution no Persecution." As it aroused no little interest, it was printed. In the "Epistle Dedicatory" Dr. Bisbie explains the conditions as he understands them. He says:

> When this Sermon was first preached it was vulgarly said, that it was boldly done; but (if I mistake not) it is much more bold and daring to cause it to be made publick. Speed as it may I am sufficiently pleased that in this juncture of Affairs (When Allegiance is made a crime, and Conformity little better than Infidelity) I have Patrons able and ready to assert the interest of them both. (Dr. W.'s Lib.)

This hostility to conformity was largely effected by the oppression under Charles II. Five years later, when James II. offered to indulge all dissent, a great agitation was raised against it, on the ground that the king's motive was thus to introduce Roman Catholicism. Liberty coming to be a political issue, its advocacy is soon found in another sphere.

A division in the ranks of the church is the mark of advancement for this period. In 1668 a tract was published in London on the subject "Liberty of Conscience the Magistrate's Interest" (B. M. 4103, e.). It was signed "By a Protestant." While there is no positive proof that the author was a churchman, the signature is nearly such proof. The term "Protestant" was the churchman's usual designation for himself. It might be made use of by a dissenter, but it would be only when he sought to identify his interests with the churchman as against the Roman Catholic. Such could hardly have been the case at this date. Dissenters also were quite free to sign their names during this period. Churchmen, unless protected by their patrons, did not yet feel free to attack their church system. In the character of the argument we find something new. It is an interesting

addition to the literature on the subject. As a councilor, rather than a partisan, he wrote:

'Tis no way prudent for a Prince when his subjects consist of many differing Judgments, to resolve to have them all of one mind (a thing impracticable) or else to be their declared Enemy and Persecutor (p. 3).

Take it for Truth which is commonly affirmed, That all such for whom Liberty is at any time desired, are men full of Faction and Full of Error; for the first 'tis certain, Persecution will not only continue, but foment such Faction and give it plausible pretense to justifie itself upon, whereas a Liberty granted in matters of conscience, will wholly win such men to a due and hearty Obedience, as finding themselves in a posture they cannot expect to mend, or else will lay them open to such apparent justice for punishment, and bring them under such a general contempt, as shall leave them stripped of all pretensions, and render them wholly inconsiderable (p. 4).

'Tis most prudent in a state to give Liberty, where there is least power to demand it, those may be gained by it, that may prove dangerous in forcing it (p. 6).

This [persecution] has Three ill effects alwayes attending it. First, It disobliges the best sort of men in every party, whom the state should most cherish and engage; whatever is said to the contrary, those that are the truest subjects to the Great King will be found the best to his vicegerents here; . . . . Secondly, All standers-by, the generality of a nation looking on, must needs be dissatisfied, to see a plain honest man, upright and punctual in all his dealings among men, punished merely for his conscience to God; . . . . Thirdly, though it be a secret, yet 'tis a very sure and certain way of bringing National Judgments upon a People. (P. 7.)

Our "Protestant" also urged that the number of dissenters in England was too great to make persecution advisable. He also asserted that without liberty of conscience the country would never have a flourishing trade. He maintained that the giving of liberty would be the safest way of preventing a return to popery. The argument is all from policy. Dissatisfaction is not felt, because the honest, upright, and punctual man is punished for his conscience to God, but, since the people looking on were dissatisfied, the nation was troubled. The standpoint of the writer is national, rather than individual. The nation must prosper at whatever expense to the individual.

As the prudent "Protestant" exemplified his policy by concealing his identity, so a little later Samuel Bolde, vicar of Shapwicke, in Dorsetshire, showed how fitting was his name by

printing a "Sermon against Persecution" (B. M. 4106, b.). He published it for the "Consideration of Violent and Headstrong Men, as well as to put a stop to false reports." In his "To the Reader" he paid a high tribute to the dissenters of his acquaintance. He asserted that many narrow churchmen were unreasonable in their demands for conformity. The proposition of his discourse is that "Wicked, Unregenerate Men, always have bin, and still are for persecuting Holy, Righteous, Spiritual Men" (p. 4). He branded persecutors as superstitious, proud, covetous, and profligate (p. 8). Bolde used strong language. His sharpness caused him trouble. Before the year was passed he entered his "Plea for Moderation towards Dissenters; Occasioned by the Grand Juries Presenting the Sermon Against Persecution, at the last Assizes holden at Sherburn in Dorsetshire" (B. M. 698, i. (3)). In this half confirmation and half retraction of his vigorous sermon he supported his position by arguments from authority. Here he used more moderate language. But in neither of these publications did he outline his ideal of toleration. He was a destructive critic rather than a constructive advocate.

A series of pamphlets written at about this time were styled "The Conformists Plea for the Nonconformist."[85] In these a limited toleration is advocated on the ground that it is a good policy. The increasing fear of the rise of Papists into power probably had no small amount to do in producing this gracious demeanor of the conformists. The dissenters were seen to hold the balance of power. Their friendship was cultivated assiduously by the adherents of James on one side and by the establishment on the other.

James II.'s arbitrary "Declaration of Indulgence" (1687) made toleration a political issue. The government party hastened to gain all to acquiescence in the king's action. This sudden change from persecution to toleration caused the courtiers considerable embarrassment. The situation gave occasion to a humorous tract called "Heraclitus Ridens Redivivus, or a Dialogue between Harry and Roger concerning the Times."[86] It is a dialogue

[85] *Tracts on Succession*, 1680–82. Newberry Lib.

[86] *Eng. Hist. Tracts*, 1686–9. Newberry Lib.

between two courtiers and a dissenter. The courtiers laughingly speak to each other of their change of front. They mention the fine distinctions to which they resort to clear themselves from the charge of inconsistency. The dissenter, from whom they conceal their amusement, disapproves of this toleration on the ground that it would merely introduce a worse intolerance with the Catholics.

A specimen argument proceeding from the royal party is found in a tract which contains some "Advice to Freeholders and other electors of Members to serve in Parliament, in Relation to the Penal Laws and Tests."[87] The line of thought is characteristic and suggestive:

It having pleased the King to emit a gracious Declaration for Liberty of Conscience, I present some of the motives inclining me to exert myself for the election of such members, as may concur with his Majesty in giving sanction to this Indulgence.

They are

1. To set conscience free from Church-Tyranny.
2. The King having taken it up it is safe.
3. I am pleased with the King; This pleases the King, therefore I would please the King in this.

Further the adviser says:

I am well satisfied of the truth and stability of the following positions: 1, Liberty of Conscience is consonant to the Gospel. 2. To grant this liberty, is the true interest of both Prince and People

(1) For it contributes to the glory of the King.
(2) For it contributes to the Peace of the People.
(3) For it contributes to the Union between King and People.
(4) The unreasonableness of constraining conscience.
(5) The mischiefs of compulsion in spoiling trade, depopulating the country and discourageing strangers. Lastly, The ill success which force in religious matters has always been attended with. It has made hypocrites, but never sincere converts.

In answer to objectors this writer says:

They who oppose Liberty of Conscience say that (1) Their opposition arises from a dread of popery. Concerning this, His Majesty's declaration is the best security. Let the church consider that the King only takes from her the power of doing mischief. (2) They for whom Liberty of Conscience is desired are factious. Yes, but persecution foments faction.

[87] *Eng. Hist. Tracts*, 1686-9. Newberry Lib.

In application of all this he particularizes as follows:

The Gentlemen of the established Church may please to remember that their Church when brought under, pleaded for liberty and thankfully accepted it from the late usurpers. Shall the Fanatics with alacrity come to the King's interest and will the Church of England appear sullen, soure and averse thereto?

It thus appears that this subject was kept in the public mind throughout the later Stuart period. Oppression under Charles II. and fear of popery under James II. gave an intense interest to all discussions of it. A great increase in the number of advocates is apparent (*cf.* Appendix). The character of the arguments differs much from that of previous periods. The practical has become more prominent. We shall next see the application of the principle to constitutional government.

NOTES.

APPENDIX TO CHAPTER IV.

An epitome of several other pamphlets from this standpoint may be helpful in showing the state of thought among the Episcopalians. For this purpose I will give abbreviated statements concerning a few:

"An Illumination to Open the Eyes of Papists (socalled) and all other sects," etc., was written by George Bishope (1661. B. M. 4151, b. 22). An abstract theological discussion, thoughtful and able. Asks that toleration be practiced. Expresses no limitation. Religious motives. Quotation: "The thing I mind in this small Treatise, is to Convince the World of a Great Mistake in Matters of Religion relating unto Conscience, and the Liberty thereof in the worship of God; Which whilst some would have; viz.: Liberty for themselves; and yet Deny; viz.: the same Liberty to Others which themselves would have; they are not for but against Liberty of Conscience" (p. 3). I have not located Bishope denominationally.

"The Inconveniences of Toleration" is subscribed to by Thomas Tomkins (London, 1667. Newberry Lib.). He wrote in opposition to an appeal to the king for toleration. Quotation: "Liberty of Conscience is a thing which hath often made a very Great Noise in the World; and is at the first view a thing highly plausible; but although it looks hugely pretty to the Notion; yet it was always found strangely Wild and Unmanageable when it ever came to be handled by Experience; and we shall constantly find that those who cryed it up for the most reasonable thing in the world when themselves stood in need of it, as soon as ever they came in Power would never endure to hear of it any longer" (p. 1).

"A Discourse of Toleration." Anonymous (B. M. 4105, a.), 1668. Opposed toleration strongly. Said that dissensions in religion were contrary to the interest of the gospel, were derived from lusts and corruptions, and at best were the infirmities of men. Quotation: "Must Kings sit still, and be the idle spectators of injuries daily acted against the Religion they profess, be quiet in their own dishonor and their peoples misery?"

"A Discourse of Ecclesiastical Politie." Anonymous. London, 1670 (B. M. 852, f. 5), 326 pages. Quotation: "And thus have I at length finished what I designed and undertook, i. e., I have proved the absolute necessity of governing Mens Consciences and Perswasions in Matters of Religion, and the unavoidable dangers of Tolerating, or keeping up Religious Differences; have shown, that there is not the least possibility of setling a Nation, but by uniformity in Religious worship; that religion may and must be governed by the same Rules, as all other Affairs and Transactions of Humane Life; and that nothing can do it but severe Laws, nor they neither, unless severely executed."

"Liberty of Conscience In its Order to Universal Peace." Anonymous. London, 1681 (B. M. 116, c. 25), 146 pages. Could not tolerate Romanists. Desired comprehension of Protestants. Philosophical. Asserted that natural religion is the only standard for penal laws in religion. Quotation from preface: "Lastly I am Assured this very Natural Religion espoused by Christianity, well considered and observed, would disarm the world of those Instruments of Cruelty in the Cause of Religion, so extreamly abhored by it; whether used by angry supreme Powers, or unjustly taken up by Seditious, Ambitious or Fanatick Subjects."

In the British Museum there is a collection of forty-three tracts that come from the years 1687–8 ("British Museum Tracts," T. 763). The subject of these is the suspension of the penal laws and tests by the "Indulgence" of James II. A few of these may profitably be mentioned:

"Three Letters Tending to demonstrate how the Security of this Nation against al Future Persecution for Religion, Lys in the Abolishment of the Present Penal Laws and Tests, and in the Establishment of A New Law for Universal Liberty of Conscience." Anonymous, 1688. These letters were written to show that a law made by Parliament for religious liberty would protect the people from the Roman Catholics if they should come into power and seek to persecute. Did not speak of the king as a Romanist. (No. 2.)

"An Answer to a Letter to a Dissenter upon Occasion of His Majesties Late Gracious Declaration of Indulgence." Sir Roger L'Estrange, Knight. London, 1687. The author opposed the "Indulgence," objecting to the royal prerogative. He feared the Papists. (No. 7.)

Another answer to this "Letter to a Dissenter" was written by one T. G. He treated the questions: "I. Whether Protestant dissenters ought to refuse the proposed Legal Toleration, Including Catholick Dissenters. II. Whether Protestant Dissenters ought to accept the said Toleration, until the next

Succession, upon the suggested hopes of Excluding Catholics." T. G. held firmly that toleration was due them, but the serious question was in regard to accepting a toleration which was offered for the purpose of removing penalties from Romanists. (No. 9.)

"A Letter from a Gentleman in the City to a Gentleman in the Country about the Odiousness of Persecution." Anon., 1687. Quotation: "The News of a Persecution meerly for a matter of Religion, at this time a day, when the whole Nation appears professedly to dislike it; and the giving countenance to Informers (who are the Pest of every Nation, and the common Enemies of Property) to the Prejudice of Peaceable and Trading People, makes your Friends, who have had notice of your late Troubles suspect that there is something in your case more than ordinary" (p. 3). In a postscript he adds: "I have here ommitted some of those great Arguments, both which others have used, and which may yet be advanced from the Nature of the Subject, partly because there are so many Discourses extant, and partly because English mankind begins to be satisfied in the Matter." (No. 11.)

"A Letter from a Gentleman in the Country to his Friends in London." Anon., 1687. Quotation: "Gentlemen, I wonder mightily at the news you send me that so many of the Town are averse to the Repeal of the Penal Statutes; surely you mean the clergy of the present Church, and those that are zealous for their Dignity and Power; For what part of the kingdom has felt the smart of them more, and at all times, and on all occasions represented their mischief to the Trade, Peace and Plenty and wealth of the Kingdom so freely as the Town has always done? But you unfold the Riddle to me, when you tell, 'tis for fear of Popery, tho I own to you, I cannot comprehend it, any more than you do Transubstantiation." (No. 12, p. 3.)

"The Good Old Test Revived and Recommended." Anon. London, 1687. The writer says that the Christian test is love. Quotation: "Let every one serve God to the best of his Knowledge; And though we cannot joyn in Worship, yet let no hatred divide us. Let Christians dread nothing, but from Infidels or Turks." (No. 18, p. 2.)

CHAPTER V.

FINAL PERIOD, OR PERIOD OF POLITICAL AGITATION.

The flight of James II. and the accession of William and Mary had great significance in this contest for freedom. James arbitrarily offered an indulgence to dissenters, that thereby he might be able to withstand the established church. William was bred in an atmosphere of liberal sentiment. He was hostile to Roman Catholicism, but looked with favor upon Protestants, whether conformists or nonconformists. As the accession of Cromwell to the head of the British government introduced a powerful factor for liberty, so the accession of William was the interjection of foreign liberality to dominate in the seat of the Stuarts.

Two points must here be noted: the increased importance of Parliament, or the thorough establishment of a constitutional government; and the king's strong inclination toward religious freedom. These two conditions, together with the widespread interest in the subject, made this contest a conspicuous feature in the political life of the time. There were still classes of people marked out for peculiar suffering under the law. The majority of the dissenters were much eased from their afflictions. It must not be inferred that the agitation of this question ceased in religious circles. All that can be said with assurance is that the prominence of the political struggle absorbed the public interest. It may even be taken for granted that, as today, so then, the public sentiment concerning political questions was frequently formed by discussion in religious circles. It was no longer of strictly ecclesiastical concern.

Before the crowning of William and Mary, Parliament caused them to sign the Bill of Rights as a condition of their being crowned. It provided that Papists should be debarred from the throne. Having complied with this requirement, and having entered upon their reign, William proposed without delay that the Test and Corporation Acts should be abolished and all

Protestants be admitted to public service. This was without avail, but "An Act for exempting their Majesties' Protestant subjects Dissenting from the Church of England, from the Penalties of Certain Laws," popularly known as the "Toleration Act,"[88] passed both houses by May, 1689. Though this bill was so important, its passage was effected with but little discussion. It is frequently called the "Magna Charta of Religious Liberty." It practically repealed the Act of Uniformity of 1662. It gave free exercise of religion to all Protestants except Unitarians. By it Quakers were relieved from taking oaths, provided they substitute a stipulated declaration. The measure, however, was not ideal. It was politic rather. By it the sentiment of the people was crystallized into the form of a statute.[89] Connected with

[88] "This Bill gave the King great content. He in his own opinion always thought that Conscience was God's Province and that it ought not to be imposed upon: And his experience in Holland made him look on Toleration, as one of the wisest measures of the Government: He was much troubled to see so much ill humour spreading among the Clergy, and by their means over a great part of the Nation. He was so true to his Principle herein, that he restrained the heat of some, who were proposing severe acts against the Papists. He made them apprehend the advantage which that would give the French, to alienate all the Papists of Europe from us; who from thence might hope to set on foot a new Catholick League, and make the War a quarrel of Religion: which might have very bad effects. Nor could he pretend to protect the Protestants in Germany, and in Hungary, unless he cover the Papists in England, from all Severities on the account of their Religion. This was so carefully infused into many, and so well understood by them, that the Papists have enjoy'd the real effects of the Toleration, tho' they were not comprehended within the Statute that enacted it." (BURNET, *Our Own Times*, Vol. III, pp. 15 f.)

[89] Commenting on the Toleration Act, Macaulay has said: "If a bill had been drawn up granting entire freedom of conscience to all Protestants, it may be confidently affirmed that Nottingham would never have introduced such a bill; that all the bishops, Burnet included, would have voted against it; that it would have been denounced Sunday after Sunday, from ten thousand pulpits, as an insult to God and to all Christian men, and as a license to the worst heretics and blasphemers; that it would have been burned by the mob in half of the market places in England; that it would never have become the law of the land, and that it would have made the very name of toleration odious during many years to the great majority of the people.

"It is true that the Toleration Act recognised persecution as the rule, and granted liberty of conscience only as the exception. But it is equally true that the rule remained in force only against a few hundreds of Protestant dissenters, and that the benefit of the exceptions extended to hundreds of thousands.

"It is true that it was in theory absurd to make Howe sign thirty-four or thirty-five of the Anglican Articles before he could preach, and to let Penn preach without signing one of those Articles." (*History of Eng.*, Vol. III, p. 83.)

this legislation there was also a serious attempt to effect the long-desired comprehension.[90] The House of Commons went so far as to appoint a commission to suggest alterations to the Prayer Book, and the commission completed its task, but when presented for action the proposed measure was unsatisfactory and suffered rejection.

The relief thus granted to the dissenters greatly aggravated the ministers of the established church. They sought to revive the spirit of persecution. But Bishop Burnet tells us that

> wise and good men did much applaud the quieting the Nation by Toleration. It seemed to be suitable, both to the Spirit of the Christian Religion, and to the Interest of the Nation. It was thought very unreasonable that, while we were complaining of the cruelty of the Church of Rome, we should fall into such practises among ourselves; chiefly while we were engaging in a war, in the progress of which we would need the united strength of the whole Nation. (*Our Own Times*, Vol. III, p. 15.)

The size and importance of the dissenting bodies made this attack of the clergy vain. Their power to make the government subserve their interests was gone.

In this early part of William's reign important treatises on the subject of toleration were issuing from the press. The first of John Locke's[91] famous "Letters on Toleration" was written this

[90] Among the less scrupulous of the churchmen as well as dissenters the desire long existed to absorb dissent back into the national organization. Uniformity in religion was thought to be of the utmost importance. The churchmen interested in it thought that it would quell dissent, while the dissenters interested hoped by it to gain the backing of the state. The Independents and Baptists were generally opposed to this scheme for comprehension. Its success would have tended to lower the religious ideals of the nation.

[91] John Locke was a representative deist. And while this school of thinkers was not unanimously in favor of liberty of thought, the general tendency was strongly in that direction. Thomas Hobbes, whose deism is questioned, placed all authority in the state. Though he felt very uncomfortable when the state did not agree with him, he still remained subservient in theory. The Earl of Shaftesbury also, at the expense of a complete contradiction in his theory, upheld the state's authority. As a class the deists were freethinkers. They were the subjects of no little ill-feeling and real persecution. MANDEVILLE'S *The Fable of the Bees*, TOLAND'S *Christianity not Mysterious*, TYNDAL'S *Rights of the Christian Church*, and BOLINGBROKE'S *Posthumous Works*, were all presented by the grand jury of Middlesex. When COLLINS published his *Discourse on Freethinking* there was a commotion. Collins went to Holland, and some have asserted that he did it to escape persecution. *Cf.* LECKY'S *England in the Eighteenth Century*, Vol. I, p. 361.

year in Latin, and soon translated into Dutch, French, and English. These letters are rightly celebrated, yet not because of the high ideal set forth, since they advocate a limited toleration. Their merit is that they present a forcible and full philosophical argument. Locke's weakness lies not so much in his premises as in his conclusions. Without a knowledge of the practical affairs of the government during those days, it would be inconceivable how one could lay down general premises and arrive at particular conclusions.[92] Yet had he advanced the inherent rights of man, he surely would have been forced to conclude that he had a right, so far as human government is concerned, even to reject Christianity. In regard to the relation between the magistrate and the subject, Locke denied the prerogatives of the king, but did not affirm the dignity and prerogatives of the citizen. Nor should this class of arguments be regarded as peculiarly telling in its time, for but few minds were fitted to appreciate his heavy style, or to follow him in his close distinctions. It has been the province of later times to give him due praise, as Milton also.

An abstract of the first letter, though it presents little that is new, is worthy of a place in this account. He says: "I esteem toleration to be the chief characteristical mark of the true church." However much some people boast of the antiquity of places and names, or of the pomp of their outward worship; others, of the reformation of their discipline; all, of the orthodoxy of their faith, for everyone is orthodox to himself; these things and

[92] An interpretation of Locke which comes to us from the city of Dublin is interesting. The tract is entitled *Lockes Opinions upon Toleration, By Pro Aris et Focis*, 1824. (B. M. 8145, A.) "My Lord Having heard it said that the Roman Catholics lay claim to the most unbounded participation in all the privileges of the State, relying principally, upon Mr. Lockes letters upon toleration, I think it but proper to go fairly, and step through his principles and arguments, that all candid and rational men may see, without deception and without assumption what were the broad and open conceptions of that great and liberal man upon this most interesting subject" (p. 2). "It is quite plain that, although Locke is perfectly consistent with himself and with the truth, that he does not allow of that unlimited toleration which is at this moment allowed to the subject of a foreign Potentate. Subjects they are, because, either directly, or in a way as effectual, they acknoledge a foreign jurisdiction and authority to tally irreconcileable with the spirit of our constitutions which will not brook the intrusion of any strange, unrecognized power." (Pp. 7 f.)

all others of this nature are much rather marks of men's striving for power and empire over one another than of the church of Christ. The Christian must first make war upon his own lusts and vices. Then, if the gospels and apostles may be credited, no man can be a Christian without charity and without the faith that works, not by faith, but by love. That divisions among sects are obstructive to salvation I grant, yet not so obstructive as immorality. Until men apply themselves to the rooting out of immorality for the purpose of saving souls I will not admit that their cause for persecution is the good of men. Toleration is agreeable to the gospel of Christ and is not subversive to the interests of the commonwealth. The civil interests are life, liberty, health, and indolence of body, and the possession of outward things, such as money, lands, houses, furniture, and the like. The whole jurisdiction of the magistrate reaches only to these civil matters. The care of souls is not committed to the civil magistrate, any more than to other men. His power consists only in outward force, while true and saving religion consists in the inward persuasion of the mind without which nothing can be acceptable to God. The magistrate may use arguments to procure the salvation of the heterodox, but that does not belong to his magistracy. It belongs to his humanity or Christianity. Moreover, the care of the salvation of men's souls cannot belong to the magistrate, for if the enforcement of laws could change men's minds, yet it could not help at all in the salvation of souls.

But let us consider the nature of a church. It is a free and voluntary society. Nobody is born a member of any church, otherwise the religion of parents would descend unto children by the same right of inheritance as their temporal estates, which is absurd. Churches must have some laws and rules, but, since they are free societies, they should make their own laws. Some believe that the true church must have a bishop, who is in apostolic succession. To these I answer: Let them show me the edict by which Christ has imposed this law upon his church. Those who have been in this succession have always had dissensions among them. But I do not object to the existence of a church, with however long a series of a succession, if I be

permitted to join that society in which are those things that I deem necessary to the salvation of my soul. Of those who are anxious about the true church let me ask: Would it not be more agreeable to the church of Christ to make the conditions of her communion consist of such things as are necessary to salvation?

In regard to idolatrous churches, law will not extinguish idolatry. It does not follow that because idolatry is a sin the magistrate may punish it any more than covetousness, uncharitableness, idleness, etc. The law of Moses is not obligatory upon Christians.

Thus far concerning outward worship. Let us now consider articles of faith. Some articles of religion are practical, some speculative. It is absurd to impose speculative opinions by the law of the land. A sweet religion, indeed, that obliges men to dissemble and to tell lies to both God and man, for the salvation of their souls! Speculative opinions have no relation to civil rights and ought not to be forbidden. The Roman Catholics' belief in transubstantiation and the Jews' disbelief in the New Testament do not injure their neighbors. As to practical opinions, a good life, in which consists not the least part of religion and true piety, concerns also the civil government. Moral actions belong, therefore, to the jurisdiction of both the outward and inward court; I mean both of the magistrate and conscience. As to one's salvation, exhortations and arguments alone avail. The magistrate is authorized to provide for the security of each man's private possessions; for the peace, riches, and public commodities of the whole people, and as much as possible for the increase of their inward strength against foreign invasion. The chief care of everyone ought to be of his own soul first, and in the next place of the public peace. Yet no opinions contrary to human society or to those moral rules which are necessary to the preservation of civil society are to be tolerated by the magistrate. Again, that church can have no right to be tolerated by the magistrate which is so constituted that all who enter it do thereby, *ipso facto*, deliver themselves up to the protection and service of another prince. Lastly, those are not at

all to be tolerated who deny the being of God. The sum of all we drive at is that every man enjoy the same rights that are granted to others. Let no man's life, or body, or house, or estate suffer any manner of prejudice on account of worship.

Three other letters followed this masterly presentation of the cause of limited toleration, drawn out by the opposition of Jonas Proast, of Oxford. The debate was one of the greatest English controversies. Proast was a vigorous antagonist, but could in no way cope with Locke. The part taken by Locke in this contest, while honorable and important, was not ideal nor indispensable. That which he advocated was already nearly gained in his native land, and crystallized into statute. His province was to assist in confirming the views of those who were favorable to toleration, though their thoughts might be confused and their expression incoherent.

John Howe also published anonymously an appeal for dissent. His production was entitled "The case of the Protestant Dissenters represented and argued." He based the right of dissent on the natural claims of conscience, on the human origin of those forms and ceremonies which divided dissenters from the church, on the unnatural cruelty of the laws by which the supremacy of the church had been enforced, and on the known patriotism of dissenters. Howe affirmed that the generality of dissenters differed from the Church of England in no substantials of doctrine of worship, or even of government, provided that the government was so managed as to attain its acknowledged end. He also argued against the reasonableness of excluding dissenters from any participation in civil affairs. He held that there could be no union or peace in the Christian world until arbitrary inclosures were removed and Christians were content with those their common Lord had set.[93]

But the combined influence of the king's favorable attitude and the agitation of great writers could not prevent legislation for intolerance. In 1697 there was an act passed against Unitarian publications. It provided that any person found writing, printing, publishing, or circulating any works against the

[93] SKEATS AND MIALL, p. 104.

doctrine of the Trinity, or preaching against it, was to lose nearly all the privileges of citizenship. He could neither sue nor be sued, bequeath nor receive property. He was to be imprisoned three years without bail and could never after hold public office.[94]

By means of the law for occasional conformity such dissenters as would avail themselves of its privileges could share in the functions of government. The Presbyterians as a rule availed themselves of the opportunities it afforded. King William not only favored this, but would have gone farther. His successor, Queen Anne, was at first strongly opposed to everything that seemed to favor dissent, and so a movement was soon on foot to do away with occasional conformity. This contest raged through the years 1702, 1703, and 1704. The Whigs were dependent to a great extent on the votes of the dissenting members of corporations. Most of the bishops had been appointed by William and were favorable to liberal legislation. These conditions secured a temporary victory for occasional conformity.

Concerning the first opposition to this practice Bishop Burnet wrote:

A motion was made in the House of Commons, for bringing in the Bill against occasional conformity; Great opposition was made to it, but it was carried by a great majority, that such a bill should be brought in. So a new draught was formed: In it the preamble that was in the former bill, was left out. The number besides the family, that made a conventicle, was enlarged from five to twelve: and the fine set on those that went to conventicles after they had received the sacrament, besides the loss of their employment, was brought down to fifty pounds; So it was a breach made upon the toleration, which ought not to be done, since they had not deserved it by any ill behaviour of theirs, by which it could be pretended that they had forfeited any of the benefits, designed by that act: . . . . The bishops were almost equally divided: There were two more against it than for it: Among these, I had the largest censure on me, because I spoke much against the bill; . . . . I ventured to say, that a man might lawfully communicate with a church, that he thought

[94] The demand that all government officials partake of the sacrament in the established church led to this practice of occasional conformity. It consisted in nonconformists going to established churches as frequently as the law required, but not more frequently. The law demanded that not even an exciseman could qualify without observing this church rite. The act made them churchmen in theory. By this demand the government secured for its officials either conformists or conscienceless dissenters.

had a worship and a doctrine uncorrupted, and yet communicate more frequently with a church that he thought more perfect; . . . . So tho' the Dissenters were in a mistake, as to their opinion which was the more perfect church, yet allowing them a toleration of that error this practise might be justified.[95]

The failure of this bill and several of its successors indicates the strong feeling which existed in favor of allowing the more moderate dissenters an opportunity to hold office. Seven years later, however, the law was again assailed, and this time with success. In 1714, three years after this success, and when it was seen that dissent was not paralyzed by it, the Schism Bill was introduced. It provided that no person should keep any public or private school, or teach, who did not conform and had obtained a license from the bishop to teach. The penalty was imprisonment without bail. The bill was passed and was signed by Queen Anne on June 25. It was to go into effect on Sunday, August 1. On that day the queen died, and the Schism Act became a dead letter. This was the last law passed in England for the limitation of religious liberty.

In 1718, during the reign of George I., there was an attempt to repeal parts of the Occasional Conformity, Schism, Test, and Corporation Acts. The king favored the passage of the entire bill, but believing that to press the repeal of the Test and Corporation Acts would be prejudicial to his newly established rule, they were finally withdrawn and the remainder of the bill passed. The dissenters were convinced that their hopes lay in the success of the Hanoverian house, which had just been introduced by the accession of George I., and had assumed a favorable attitude toward dissent; so they waived their rights for a time to sustain the throne. The question of the repeal of the test laws was before the nation for a century, and was a contest of great significance. It was destined to engage the attention of Pitt and Fox, the former as the representative of the government and the latter as the eloquent advocate of liberty. Probably as good an outline of the differing views on this problem as can be found is presented in the dissenter's "Plea," written by George Walker and published at the request of the Committee of the Protestant

[95] BURNET, *Our Own Times*, Vol. IV, pp. 30 f.

Dissenters of the Midland District. (B. M. 4135, cc.; pp. 2 f.)
Walker said that

the principles on which the reasoning of the Protestant Dissenters has been conducted and their claims asserted may be reducible to these: I. That political society is for the good of all, that protection and accessibility to all the advantages and privileges of a citizen, are the rights of a citizen, and that responsibility for civil allegiance is the only condition of this right. II. That religion is not within the jurisdiction of the civil magistrate; that it is the inalienable property of every individual for which he is answerable to God alone; and that no difference of religious faith and worship ought to exclude a citizen from one of those rights or privileges which he claims on the grounds of the preceding principle. On these two the whole reasoning of the Protestant Dissenter turns; . . . . The principles of our antagonists which are to be collected from their publications and the debates in Parliament appear to be reducible to these heads: I. That toleration is due to all who can answer to the claim of civil allegiance. II. That the magistrate has a right to chuse a national religion, and that special immunities, honours, and rewards at the discretion of the civil magistrate may, and ought to be, conferred on the members of his favoured religion. III. That the Church of England is this national and favored religion; that there is a contract or alliance between this church and the state; that the Test Laws are necessary to the preservation of the church; and that the church is necessary to the preservation of the civil constitution of this kingdom. IV. That the Dissenters are hostile to the church; that they must wish its subversion, and that the more conscientious is the Dissenter, the more must he be disposed and the more must he operate to this end. V. That civil trust and power are dangerous instruments in the hands of a Dissenter, and that therefore they are justly denied to him. VI. That the door of conformity being open to him, it is by the act of his own will that he enters not this door, and that he has no right therefore to complain of the disabilities and penalties which are the consequences of his refusal. VII. That the Sacramental Test is a discrimination of religious character; that it is a wise provision of the state; and that it is no perversion or profanation of the ordinance of the Lord's Supper. VIII. That civil offices are favours, not rights; that they are of the nature of an estate in the discretionary use of the magistrate; that he may dispose of them to whom he pleases; and this not individually, which is not contested; but that by a general law he may exclude any description of subjects from the admission to them. To these are added other principles, we hope only as the effusions of uninformed and passionate minds, which surrender into the hands and the discretion of the magistrate, all the rights and even the property of the subject, which go to the abandonment of the whole foundation and structure of legal liberty.

These attitudes of the different parties toward the dissenter's liberties were inspired by political motives. The Jacobites[96] opposed the government and its Protestant alliances. Since the dissenters stood by the government, the Jacobite influence was opposed to them. Burnet states that

it was manifest that there were two different parties among the Clergy; one that was firm and faithful to the present government, and served it with zeal: These did not envy the Dissenters the ease that the Toleration gave them; they wished for a favorable upportunity of making such alterations in some few rites and ceremonies as might bring into the Church (Established) those who were not at too great a distance from it: and I do freely own that I was of that number. Others took the oathes indeed, and concurred in every act of compliance with the Government, but they were not only cold in serving it, but were always blaming the Administration, and aggravating misfortunes; They expressed a great esteem for Jacobites, and in all Elections gave their votes for those who leaned that way: At the same time they showed great resentments against the Dissenters, and were enemies to the Toleration, and seemed resolved never to consent to any alteration in their favor. The bulk of the Clergy ran this way, so that the moderate party were far outnumbered.[97]

The division of the clergy on this subject was not in proportion to that of the nation at large. A strong feeling existed against the Papists. The hatred remaining against the old Stuarts was very nearly the measure of opposition to the Roman Catholics. This was shown when the establishment of the Peace of Ryswick caused many priests to take up their residence in England. Those who had left England on account of the revolution, which ushered in William and a decided Protestantism, now returned, with many additions to their numbers.

Upon this [says Burnet] some proposed a Bill, that obliged all persons educated in that religion, or suspected to be of it, who should succeed to any estate before they were of the age of eighteen, to take Oathes of Allegiance and supremacy, and the Test, as soon as they came to that age; and till they did it, the estate was to devolve to the next of kin that was a protestant; but

[96] The Jacobites were the adherents of the old Stuart family. The deposition of James II. was not quite unanimously acceptable when it occurred. Whatever unpleasantnesses arose during the succeeding reigns could not but increase the number of the disaffected. James II. and his son, who was once rebelliously proclaimed James III., were Roman Catholics. The continuance of this party, and the persistence with which it propagated views distasteful to the English people, suggest the fact that foreign nations interested themselves in the movement.

[97] BURNET, *Our Own Times*, Vol. III, pp. 296 f.

was to return back to them upon their taking the Oathes. All popish priests were banished by this Bill.[98]

Both houses of Parliament passed this bill, and it was enacted as law. So we see that the major part of the clergy who favored the Jacobites and opposed the government was so out of harmony with the public at large that what they favored the Parliament put under the ban.

The frequent conspiracies of the Jacobites brought the Papists into trouble with the government. Because of one of these conspiracies Atterbury, the bishop of Rochester, was deposed and banished. Walpole made it the occasion for raising the sum of one hundred thousand pounds upon the property of the popish recusants. At the same time all Papists were required to depart from the cities of London and Westminster, and from within ten miles of them, and to keep strictly within their own dwellings. This arose from the Jacobite disturbances at the death of Queen Anne. When George I. was established on the throne there was a lull. A score of years later there were further difficulties, and the popular feeling rose again. Even Blackstone interpreted the law in the sense that where a person is reconciled to the see of Rome, or procures others to be reconciled, the offense amounts to high treason.[99] Nor may this opposition be attributed to a spirit of intolerance. There were sufficient political reasons for interference. The mistake of the government was in treating the disaffected as Papists rather than as traitors directly. It was as late as 1829 that the civil emancipation of the Catholics occurred. Then oppressive laws, those especially which barred their entrance into the houses of Parliament and the functions of the magistracy, were definitely abolished.

"An Historical Treatise concerning Jews and Judaism in England" was published in the year 1720. (B. M., T. 1750 (7).) This asserts that

the principle Grounds for their banishments, (in the reign of Ed. I.) after they had resided in this Kingdom for 220 years, was for their Blasphemies, and stealing and crucifying christian children, for defacing or clipping the coin, for their impiety and Immorals, for their Infidelity, Usuries, and Forgeries of

[98] *Our Own Times*, Vol. III, pp. 316 f.

[99] ABBEY, *Eng. Ch. and Bishops*, Vol. I, p. 216.

Charters, for falsifying Money, for imposing upon and cheating English Merchants, and for attempting to pervert christians to Judaism. . . . As for the great Liberty which the Jews now take in this Realm, it is evident that by our antient Laws and Decrees that they have no pretense or the least colour of Law or right to claim such privileges here; and that the impious and immoral freedom which the Jews take amongst us is depending upon the force and power of their money.

This writer makes it clear that an agitation looking toward the removal of their disabilities had been begun. He says: "There are but two arguments used for the Re-admission of the Jews; one whereof is, the Hope of their Conversion; and the second is, that the Jews bring in money and promote Trade." The writer's object seems to have been to overcome the leniency toward the Jews which arose partly from the widespread belief that the time for their conversion was at hand.

In the years 1753–4 the nation was greatly stirred by the attempt to diminish the restrictions against the Jews. A bill fathered by the Pelhams provided that Parliament have permission to pass special acts to naturalize those Jews who applied for citizenship. This was passed, but it produced a popular outburst and great commotion, so that it was repealed in 1754. The bishops and almost all of the better educated of the clergy defended the cause of tolerance; but the spirit which prevailed among the populace was so violent that there was fear lest it might possibly result in a massacre.[100] Not until the latter half of the nineteenth century (1855) were the Jews granted liberty of religious worship. It was still three years later (1858) that an "Act to Provide for the Relief for her Majesty's Subjects professing the Jewish Religion" empowered either house of Parliament to modify the form of oath so as to enable a Jew to sit and vote. This same act precluded them from holding certain offices.[101]

A momentary glimpse of the struggle is to be got from "A Collection of Testimonies in favor of Religious Liberty, in case of the Dissenters, Catholics, and Jews," put forth in 1790, over the signature of "A Christian Politician." (Dr. W.'s lib.)

[100] ABBEY, *Eng. Ch. and Bishops*, Vol. I, p. 214; LECKY, Vol. I, p. 285; *Jewish Year Book*, 1896–7, pp. 129 f.

[101] *Year Book*, 1896–7.

In this age [the writer says] it is still necessary to prove that the wrath of man worketh not the righteousness of God. Streams of blood, desert countries, unanswered arguments, slowly teach men who are in possession of power, that Providence takes better methods for the Propagation of the true religion, than can be expected from the interference of its creatures. . . . . In pleading for the Catholics I shall offend many Dissenters; and in pleading for the Jews I shall offend many Dissenters and Catholics. (Preface.)

This collection contains articles and testimonies from Bishop Hoadley, Archdeacon Paley, John Locke, Sir William Temple, Dr. Franklin, the Earl of Mansfield, Addison, and many others. From this it appears that the advocacy of a true liberty of conscience had become quite common. It is also seen that many dissenters were as yet unwilling to concede it.

During the first half of the century the Presbyterian, Congregational, and Baptist denominations united to obtain relief from the laws which still oppressed them. Previous to the Hanoverian rule the Presbyterians [102] had been satisfied with the advantages to be derived from occasional conformity. In 1732 the organization of the "Dissenting Deputies" was effected. All churches of these denominations within ten miles of London were requested to appoint two deputies. The first general assembly of these deputies occurred the same year. This alliance continued to exist and to exert a powerful influence on the government for many decades. Through it the dissenters made their power felt.

Throughout the eighteeenth and nineteenth centuries the various positions taken by the old English organizations cannot be discovered or set forth with sufficient accuracy to justify an exhaustive examination of the literature of the period. The continual change in the conceptions of political liberty forced corresponding changes in ideas of religious liberty. The merest mention of the footprints of this evolution alone will be profitable.

[102] "If the Presbyterians had been possessed of anything like the courage and persistency of the Quakers, they could no doubt at this time (1723) have procured with ease the repeal of the Test and Corporation laws. While, however, they enjoyed the liberty of occasional conformity and could thus qualify for office — joining the Church, that is to say, for half an hour every year, and protesting against it during the remainder of their 12 months of office — they appeared to think that they had secured all that was needful and honorable." (SKEATS AND MIALL, p. 254.)

One exception to this general statement, however, must be made. The Baptists did not change their views. Their leading thinkers continued to present the same doctrine with even greater discrimination. Robert Robinson declared that

> Liberty to be a christian implies liberty not to be a christian, as liberty to examine a proposition implies liberty to reject the arguments brought to support it, if they appear inconclusive, as well as liberty to admit them if they appear demonstrative. To pretend to examine christianity, before we have established our right to do so, is to pretend to cultivate an estate before we have made out our title to it.[103]

Again he said:

> Christianity comes, pretends to come from the God of nature; I look for analogy, and I find it; but I find it in the holy scriptures, the first teachers, and the primitive churches. In all these I am considered a rational creature, objects are proposed, evidence is offered; if I admit it, I am not entitled thereby to any temporal emoluments; if I refuse it, I am not subjected to any temporal punishments: the whole is an affair of conscience, and lies between each individual and his God. I choose to be a christian on this very account. This freedom, which I call a perfection of my nature; this self-determination, the dignity of my species, the essence of my natural virtue, this I do not forfeit by becoming a christian; this I retain, explained, confirmed, directed, assisted by the legal grant of the Son of God. Thus the prerogatives of Christ, the laws of his religion, and the natural rights of mankind being analogous, evidence arises of the divinity of the religion of Jesus.
>
> I believe, it would be very easy to prove, that the christianity of the church of Rome, and that of every other establishment, because they are establishments, are totally destitute of this analogy (p. 25).

In his "Letter on Uniformity" (p. 82) Robinson condemned in sharp language the attempt to force a national religion:

> The idea of uniformity is neither the idea of a philosopher, nor of a christian. The fabricature of this law [of uniformity] therefore by men who had a just right to both these titles implies a moment's absence.
>
> Sound policy requires a legislature to preserve its dignity; but the dignity of a legislature is never more prostituted than when impracticable edicts are issued. The dignity of legislation depends more on enforcing than on inventing a law: the latter may be done by a pedant in his study, but the first must have power, property, magistracy, penalty, in a word, authority to support it; and this energy is its dignity. Where a tax is levied which the people cannot pay; where a kind of obedience is required which the people cannot yield; the legislators are forced to dispense with the obedience

[103] "Reflections on Chr. Lib.," p. 87, in *Works*, Vol. I.

required. And what follows? The people despise a folly which could not foresee, a narrowness of capacity which could not comprehend, a timidity which dare not, or a weakness which cannot inforce its decrees.

In this is a pointed commentary on the civil difficulties of the English government from the Reformation on. Discussing magistracy this author said:

> Let magistracy originate where it will, let it proceed from nature, from God immediately, from the people, or from power, it is immaterial: from none of these sources can there flow a right over the consciences of the subjects.[104]

Further, on the subject of the right of private judgment Robinson commented as follows:

> Whence church governors pretend to derive this right [to deny private judgment] does not signify. It can neither be derived from the nature of christianity, the doctrine or practise of Christ or his apostles, the condition of man in a state of nature, his condition as a member of society subject to magistracy, nor indeed in England from anything but *the act of supremacy*, an act which transferred a power over men's consciences from the pope to the king.[105]

Thus thoughtfully and distinctly did Robinson express his position, as well as that of the Baptists in general in the latter half of the eighteenth century. Andrew Fuller[106] and Robert

[104] *Works*, Vol. II, p. 59. [105] *Ibid.*, Vol. II, p. 41.

[106] Andrew Fuller, whose life was largely confined to the last half of the eighteenth century, indicates to us that within his time the discussion about religious liberty took a turn which is frequently seen in these later times. He says: "The right of private judgment in matters of religion appears to be THE RIGHT WHICH EVERY INDIVIDUAL HAS TO THINK AND TO AVOW HIS THOUGHTS ON THOSE SUBJECTS, WITHOUT BEING LIABLE TO ANY CIVIL INCONVENIENCE ON THAT ACCOUNT. . . . . There can scarcely be any doubt remaining with respect to the power of the civil magistrate to interfere with the religious sentiments and private judgment of the subject: this is now very generally and justly exploded. But of late the subject has taken another turn, and men have pleaded not only an exemption from civil penalties on account of their religious principles, in which the very essence of persecution exists, but also that they are not subject to the control of a religious society with which they stand connected for any tenets which they may think proper to avow. The right of private judgment now frequently assumed is a *right in every individual who may become a member of a Christian church to think and avow his thoughts, be they what they may, without being subject to exclusion or admonition, or the ill opinion of his brethren on that account.* . . . . But this appears to be highly extravagant, and is what no man can claim as a right. The following considerations are submitted to the reader. First: The supposed right of the individual is *contrary to the principles on*

Hall also entered into the production of sentiments on this subject, as witness Fuller's "Inquiry into the Right of Private Judgment in Matters of Religion," and Hall's "Apology for the Freedom of the Press," and his "Christianity Consistent with a Love of Freedom" (found in their "Works").

Through a period of comparative quiescence, rather than of ecclesiastical debate, the Congregationalists advanced till they also became advocates of a real liberty of conscience. "The Confession of Faith of the Independent," by Rev. Job Orton, D.D., was published as early as 1717. He expressed his thought as follows: "I apprehend that no man or body of men whatever has any power to impose any articles of faith or modes of worship upon others, or control the liberty of private judgment."[107] A little over a century after this (1833) the Congregational Union of England and Wales expressed itself in a Declaration of Faith. In this the power of the Christian church is said to be purely spiritual, "and should in no way be corrupted by union with temporal or civil power."[108] The time at last arrived when the position so long controverted was theoretically admitted and incorporated in the authoritative statements of Independency.

The Presbyterian denomination, strongly attached to its Westminster Standard, and because of its great difficulties arising out of the Unitarian heresy, was still slower in incorporating the modern conception in its expression of doctrine. The Westminster Confession is decidedly intolerant. In 1784 the Newcastle presbytery adopted a "Formula" which stated their position in the following words:

> And as these and all other doctrines which we believe and profess are clearly comprehended, and shortly and distinctly summed up in the West-

which Christian churches were originally founded. . . . . Secondly: Not only is this supposed right of private judgment inconsistent with apostolic practise, but it is also *contrary to reason and the fitness of things.* . . . . Farther: If a christian society has no right to withdraw from an individual whose principles they consider as false and injurious, neither has an individual any right to withdraw from a society in a similar case: and then there is an end to all religious liberty at once." (*Works*, Vol. V, pp. 215 f.)

[107] *Cong. Quar.*, July, 1860. [108] SCHAFF, *Creeds of Chr.*, Vol. III, p. 743.

minster Confession of Faith,[109] we heartily acknowledge it to be the Confession of our Faith.[110]

This confession is still accepted as a general statement of Presbyterian doctrine in England. The present (1899) form of subscription,[111] however, makes exception to the clause in that document which stands for intolerance. Evidence is not at hand to show that this exception was made previous to the revival of English Presbyterianism in 1876.

The clergy continued to be divided on the subject of toleration. A bill was brought forward in 1721 to increase the stringency against antitrinitarian writings. It was supported by the archbishop of Canterbury and some other prelates. It failed to pass.[112] Swift, the renowned dean of St. Patrick's, issued a pamphlet in 1732, in which he maintained that an establishment of religion is essential to a nation's welfare. He said that if an act should be passed to establish Presbyterianism, Independency, or any other form of ecclesiastical government, without question all subjects ought to submit. He thought that the public should sustain no other teachers and admit to office

[109] Westminster Confession of Faith, chap. xxiii, sec. iii: "The civil magistrate may not assume to himself the administration of the Word and Sacraments or the power of the keys of the kingdom of heaven; yet he hath authority, and it is his duty to take order that unity and peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered and observed. For the better effecting whereof he hath power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God." (SCHAFF, *Creeds of Chr.*, Vol. III, p. 653.)

[110] *Report of Proceedings of the Second Gen. Coun. of the Pres. Alliance*, p. 1038.

[111] The existing method of subscription consists in returning a satisfactory answer to the following questions appointed to be put: "To Ministers and Elders: Do you sincerely receive and adopt the doctrine of the Westminster Confession of Faith as in accordance with the teaching of Holy Scripture; and do you consent to the said Confession as the Standard by which your teaching (for Elders read 'the public teaching') in this Church shall be judged; it being understood in reference to the teachings of the Confession of Faith regarding the duty of Civil Rulers, that — while holding the subjection of such rulers, in their own province, to the authority of the Lord Jesus Christ — you are not required to accept anything in that document which favours or may be regarded as favouring intolerance or persecution?" (*Report of Proceedings of Second Gen. Coun. of Pres. Alliance*, p. 1037.)

[112] LECKY, *Eng. in XVIII Cent.*, Vol. I, p. 361.

no other persons than those who were members of the established church, whatever that church may be.[113]

On the other side, we find that when Earl Stanhope introduced a bill into the House of Lords for the repeal of the Test Acts (1717) he was strongly supported by several bishops. Bishop Hoadly spoke eloquently in behalf of the principles of Christian liberty, maintaining that all religious tests were an abridgment of the natural rights of man, an injury to the state, and a scandal to religion. The bishops of Gloucester and Lincoln also spoke in behalf of the measure. Bishop Kennet, of Peterborough, was especially effective in his utterances. He declared that the arbitrary measures of persecution adopted in the past had brought contempt on the clergy and disaster to the state.[114]

A treatment of "Liberty, Civil and Religious," came out in London in 1815 (B. M. 521, h. 29). Though anonymous, it is evident that the writer was a churchman. He did not attempt to advocate liberty, but simply to indicate some of its boundaries. In general he congratulated England on her forward position relative to freedom. After referring to the particular position of the establishment, he said: "Let not those then be heard, who affirm that the Church of England is inimical to liberty." The increasing friendliness of the churchmen to liberty during this period did not arise from their religious conceptions. It was due to external conditions. Throughout this time of change of sentiment, which has amounted to a revolution of thought, the Thirty-nine Articles have remained stationary.

The state of the contest in the latter part of the eighteenth century was commented upon by the eminent Unitarian, Dr. Joseph Priestley. In him we find the foremost advocate of liberty among the Unitarians. He says:

> The subject of free inquiry, I am well aware, is a very trite one, especially as one of the usual topics of the fifth of November, on which it is customary to call the attention of Protestants to the use of reason in matters of religion, in order to indicate the principles of the Reformation; and also further to assert our liberty of dissenting from the established religion of this country. This has been done so often that it may seem a wornout and useless topic.[115]

[113] *Cf.* STOUGHTON, Vol. XI, p. 5. [114] *Cf.* TRAILL, *Social Eng.*, Vol. V, p. 232.

[115] *The Importance and Extent of Free Inquiry in Matters of Religion, A Sermon.* (B. M. 4473, c. 8 (10).)

He further asserts that

> The times in which we live are unfavorable to free inquiry in matters of religion. We are not, indeed, *persecuted* for our religious principles, and few persons have much scruple in openly declaring what they think; but the influence of habit, of fashion and of connections, in these peaceable times, is such, that few persons, very few indeed, have the courage to act agreeably to their principles, so as to rank themselves, and to appear, in that class of men to which they belong. (Pp. 37 f.)

That Dr. Priestley did not consider political disabilities under the head of persecution is evinced by a "Letter to William Pitt, on the subject of Toleration and Church Establishments" (B. M. 687, g.(4)). This letter was called forth by a speech of Pitt in opposition to the repeal of the Test and Corporation Acts. In it he argued that dissenters would not be dangerous men in office, as Pitt supposed. The great ruler received some apt and discriminating advice from the discerning preacher:

> As an individual, give as much attention to religion as you please, but as the ostensible prime minister of this country, you have nothing to do with any life beside the present and the happiness of the inhabitants of this island in it (p. 5).
>
> I have even no doubt but that as Christianity was promulgated and prevailed in the world without any aid from civil power, it will, when it shall have recovered its pristine vigour, entirely disengage itself from such an unnatural alliance as it is at present fettered with, that our posterity will even look back with astonishment at the infatuation of their ancestors, in imagining that things so wholly different from each other as Christianity and civil power had any natural connection (p. 13).

Dr. Priestley also asserted his objection to the demand that the university students subscribe to the Thirty-nine Articles. He further opposed ecclesiastical marriages and the paying of tithes.

It is interesting to note in connection with Priestley's admission that persecution was past, that in 1791 the Birmingham riots occurred. They arose from the hostility of the populace to the Unitarians. These writings had aroused Edmund Burke to reply in defense of the establishment. The resulting furor brought much persecution to these people, but it came from mob violence rather than from legal force. The law passed during the reign of William III., proscribing the public maintenance of Socinian opinions, had not been enforced nor repealed. In 1792

Fox took up the cause of the Unitarians and proposed the repeal of this law. He claimed the same toleration for them as was accorded the orthodox nonconformists. The movement was unsuccessful. Only in 1813 were the statute-books purged of this blot.

Several attempts were made to do away with subscription to the Thirty-Nine Articles by nonconformist ministers and schoolmasters. When the bill for this was reintroduced in 1773, Edmund Burke assisted in its advocacy. When he was told that the dissenters could expect nothing but connivance, he replied with indignation: "What, sir, is liberty by connivance but a temporary relaxation of slavery?"[116] This matter was pressed again in 1779 by Sir Henry Hoghton, and this time was successful in part. The conditions were still imposed to the extent that all ministers and schoolmasters must be Christians and Protestants.[117]

The nation's intolerant attitude toward atheism was most persistently continued. There was a very general antipathy to it. Atheists were few in number, and hence few advocates arose to give special attention to their rights. In 1880 their political rights began to be demanded by many who were aroused by the Bradlaugh incident. Elected to Parliament for Northampton, Charles Bradlaugh, an atheistic and radical journalist, pleaded that he had the right to affirm instead of being sworn by the parliamentary oath. This was denied, as also was his right to be sworn at all. He presented himself repeatedly, and carried the matter to the courts, but was not successful until 1885, when he was reëlected by his constituency. On taking his seat he was instrumental in securing the adoption of an affirmation-bill.

The most noteworthy advocacy of this cause in recent times was that of John Stuart Mill. In his "Essay on Liberty" is to be seen the trend of modern thought. Neither religious nor political arguments predominate in it. The well-being of society is most prominent. He limits his argument to that which arises from general utility, regarding utility as the ultimate appeal in all

[116] *Cf.* MAY, *Constitutional Hist.*, Vol. III, p. 93.

[117] STOUGHTON, Vol. VI, p. 156.

ethical questions. General utility, he contends, authorizes the subjection of individual spontaneity to external control only in respect to those actions of each which concern the interests of other people (p. 25). He holds that this freedom is yet unattained (1858). The constraint he does not attribute so much to governmental pressure as to public opinion.

He urges that all thought should be submitted to discussion, because "the beliefs which we have most warrant for, have no safeguard to rest on, but a standing invitation to the whole world to prove them unfounded" (pp. 42 f.). Leaving the lists open he regards as the only way of gaining infallibility. The failure of good men in the past to attain infallibility must decrease our assurance as to our own beliefs. Nor is there a certainty that truth will prevail. "It is," he says, "a piece of idle sentimentality that truth, merely as truth, has any inherent power denied to error, of prevailing against the dungeon and the stake" (p. 55). All that we know is that it will be rediscovered in time. And "it is not the minds of heretics that are deteriorated most by the ban placed on all inquiry which does not end in the orthodox conclusions. The greatest harm is done to those who are not heretics, and whose whole mental development is cramped, and their reason cowed, by the fear of heresy" (p. 62). A true opinion, held simply as a prejudice and without proof, he brands as but one superstition more which accidentally clings to the words that enunciate a truth. More, "he who knows only his side of the case knows little of that" (p. 68). Still further:

> All ethical doctrines and religious creeds are full of meaning and vitality to those who originate them, and to the direct disciples of the originators. Their meaning continues to be felt in undiminished strength, and is perhaps brought out into even fuller conscientiousness, so long as the struggle lasts to give the doctrine or creed ascendency over other creeds (p. 73).

Mill holds popular opinions to be unreliable, for, while they may contain truth, they are but seldom, if ever, the whole truth. He mentions that in politics "it is almost a common-place, that a party of order or stability, and a party of reform or progress, are both necessary elements of a healthy state of a political life."

In his chapter on "Individuality" as one of the elements of well-being he advances the following considerations:

In proportion to the development of his individuality, each person becomes more valuable to himself, and is therefore capable of being more valuable to others. . . . . Whatever crushes individuality is despotism, by whatever name it may be called. . . . . There is always need of persons, not only to discover new truths but also to commence new practises, and set the example of more enlightened conduct. . . . . Genius can only breathe in an atmosphere of freedom.

As to the limits of society's authority over the individual he says:

To individuality should belong the part of life in which it is chiefly the individual that is interested; to society the part that chiefly interests society. . . . Encroachment on their rights; infliction on them of any loss or damage not justified by his own rights; falsehoods or duplicity in dealing with them; unfair or ungenerous use of advantages over them; even selfish abstinence from defending them against injury — these are fit objects of moral reprobation, and, in grave cases, of moral retribution and punishment.

In respect to that which lies beyond the realm of social concern he asserted finally that "the strongest of all arguments against the interference of the public with purely personal conduct, is that when it does interfere, the odds are that it interferes wrongly and in the wrong place."

As a literary work this essay is remarkable. It is profound and discriminating, and withal exceedingly clear. It is truly a masterpiece. In seeking a line of argument that would appeal to the largest number, the author took no cognizance of the more restricted hypotheses which had been placed as foundations of the former theories. Broader than existing Christianity, he has made his premises as universal as the needs of men. Hence he has sought the fullest right of private judgment. No meaner motive than the welfare of men inspired him.

CONCLUSION.

HITHERTO our task has been to set forth the facts which have been most important in this English contest for the right of private judgment. The polemical literature of the subject has furnished the most trustworthy information. The contest was by no means wholly a literary one. For definite facts, however, we are driven to the treatises, together with public addresses which have gotten into print. We may assume with somewhat of confidence that the preachers of a denomination advocated from the pulpit what the denomination expressed in its confessions. Further, we may safely hold that the vigor of a denomination's advocacy was commensurate with the strength of its confessional statements, and the frequency and boldness of personal literary efforts of its members. Yet it is not for the historian to assume. The indisputable evidence alone can rightly guide us in our deductions and generalizations. It becomes our task here to reconsider the courses of thought already traced and briefly summarize them, locating as accurately as possible the different factors. Our examination will be in respect to ideals, motives, and comparative effectiveness. It is obvious that we must be satisfied with the merest approximation. Doubtless many elements entered the contest of which we have no suggestion, at least no complete apprehension. Our standard for judgment must necessarily be the highest and clearest thought of the present day. An attempt has been made to outline this in the "Introduction."

From the very Reformation period the English Anabaptists rejected every human authority over the conscience. They were indeed the radicals of the Reformation. By the authorities they were held to be anarchists. And according to English laws they were such. The claims of the national ecclesiastical laws they denied entirely. To the courts of the sixteenth century this was as anarchistic as to repudiate civil law. In fact,

the terms "civil" and "ecclesiastical" were not yet generally used with discrimination. By churchmen this refusal to admit the magistrate's ecclesiastical function was regarded worse than a refusal to recognize his civil function. Murder was a crime against the body; heresy was a crime against the soul. Anabaptists were not only among the heretics of the day, and therefore propagators of a heresy, but they held that difference of opinion was right and should be allowed. What others called blasphemous they called Christian. They firmly opposed, not only what was then termed orthodoxy, but also every unprogressive orthodoxy. They admitted the capacity of the human mind to expand, and the possibility of obtaining clearer perceptions of divine truth. This was destined to herald the revolution of political and ecclesiastical thought among Anglo-Saxons, and even the abolishment of its very axioms. Differing fundamentally from the prevailing ideas, the foreign conception conquered, not because it was alien, but because it was Christian.

This assertion of individualism was too strongly emphasized at first. It led to a neglect of the social and governmental. For a time there was an unwillingness to take oaths or accept a governmental position. The magistrate was never denied his civil function, but an incompatibility was thought to exist between magistracy and Christianity. By the beginning of the seventeenth century this had passed away, and all proper authority was accorded to the national government. Passive submission was ever conceded by these people, in every particular, but by protest they displayed their antagonism to a religious despotism. Though no enormities are accredited to the English Anabaptists, in this early, formative, and somewhat obscure period, they were misunderstood. The sins of certain continental heretics, who were popularly classed as their fellows, were expatiated upon so as to reflect upon them. The violent opposition to them by churchmen is easily accounted for by the contradiction which their principles presented to ecclesiasticism. This led to the unsavory association mentioned. The temporary over-emphasis of individualism, while an occasion for ill-feeling

on the part of the government, was never more undesirable than the similar over-emphasis of the Quakers at a much later date.

They sought an opportunity to hold and propagate their peculiar views, but they denied the same opportunity to none. They even urged that all Protestants be free in the exercise of their faith. Further still, the hated Papists were also included in this list. And to the utter astonishment of the community at large, they boldly declared that Jews and Turks and infidels had the same rights. The political ruler was stripped of his authority over the conscience. This high ideal, once accepted by the English Anabaptists, was retained. The Baptists, their lineal descendants, turned not to the right hand nor the left, but followed in the footsteps of their progenitors. Though but few of them were learned or gifted, they made a very respectable showing in the production of favorable sentiment. Never a numerous people, they were for many decades prominent and isolated in their advocacy of this tenet. Their isolation was then relieved by the rise of partial sympathizers and helpers. For at least two and one-half centuries these people were under the ban of the religious public of England. They were regarded as heretics, blasphemers, and visionaries. Their views were felt to be destructive to national government and ecclesiastical order. Their conduct gained them a reputation for inoffensiveness and sobriety. In time they became ranked with the safer nonconformists. Their greatest offense was that they were leaders of thought in the realm of the governmental. They dared to differ from others in that they applied Christian teaching to civil life. The greatness of the crime for which they were condemned was in proportion to their distance in advance of their contemporaries.

The ideal or ideals of the Independents cannot be expressed so easily or so accurately. From a position that was as intolerant as their scheme of church democracy would allow, they advanced step by step, until they, too, embraced the heathen in their charity. This change of doctrine in the case of the Independents, as of Episcopalians and Presbyterians, was not by evolution, but by attrition. It did not proceed from their

fundamental views or hypotheses, and in that way come at last into outward expression. Their doctrine of coercion was worn off by the friction of civil experiences. To make their later position consistent requires a change in their underlying principle. The decidedly non-Christian premise which sustained a superstructure of coercion is out of harmony with the Christian view of full liberty. The Brownists and their successors, the Congregationalists, shifted the responsibility for decision in particular doctrines from the magistrate to the independent church, for they rejected bishops and prelates, holding that the congregations of Christians should find the truth and set it forth. The ruler was then responsible for making selection of this as the true church. Having made this right selection, the state was to enforce the laws of the church. It was to support the church from its treasury, to protect it from its opponents, and to advance its interests by punishing blasphemy and heresy with the sword. Rejecting the prevailing notion that the magistrate was entirely responsible for the salvation of his subjects, they divided the responsibility between the religious body and the civil ruler. The ruler was the arm of the church. He was thought of by them as a civil attachment to the ecclesiastical organization. He was denied the spiritual functions of teacher and priest, or mediator. Instead of being a bishop of the bishops, he was to be instructed by the church. Since his ecclesiastical duties consisted merely in executive acts, they were called civil duties. This conception arose with Robert Browne and prevailed among the Independents for a century. From this it follows that the Independents were tolerationists. According to them individuals had no rights. All rights were inherent in the church and the king. The church monopolized the thinking and laid the boundaries beyond which no one could go without being punished. Here was but another shift of authority. From the pope it had come to the king. Now the Independents would transfer a part of the identical prerogatives from the king to their less centralized ecclesiastical organization. No less authority over the mind was assumed. The boundaries they extended from time to time. Being heretics

also, in the eyes of the world, their antipathy toward heresy in the abstract was greater than toward their fellow-heretics. They tended to make a distinction between dangerous and harmless differences of opinion. Somewhat early they became broad enough to concede a place to the Presbyterians and the Baptists. With these they must make common cause to stem the tide of conformity. At last, when the views of the nation were enlarged, they admitted that persecution had no place in the Christian system. They were, in fact, the leading tolerationists, and they were ever in the van of the hosts that sought a liberty to which they claimed no title based on universal principles of right.

Whatever merit this view had lay in the fact that many Christian men are included in the council which decides what the religious belief of the nation ought to be. The king still had a decision to make, but only in respect to what system should be enforced. The Congregational church was to work out the system. That Christian men should be the interpreters of Christian law is self-evident; though it is not clear that their interpretations should be forced upon unbelievers. The statement that the combined results of the investigation of thousands will be more accurate than the decisions of an individual needs no discussion. Its demerit was in the assumptions that comparatively few Christian men should do the religious thinking for all England; that Protestantism after their type, or that even Christianity in any form, must monopolize Englishmen; that the church was accountable for the salvation of the nation; and that coercion was a means of grace.

The Quakers came late upon the scene of action, yet not so late as to be unnoticed in their advocacy of complete religious freedom. They maintained a long and vigorous fight. In their thought there were no limitations. No one had a right to tolerate. With the Baptists, they held that the government existed for the people. Like the early Anabaptists, they had religious notions which conflicted with practical political life. They refused to take oaths and to enter the army, and paid tithes only on being forced by legal process. The lack of clearness and fulness in most of the statements of their doctrine tends to

show that they adopted rather than worked out their position. They were not the pioneers in this territory of thought. Then also they came into being when regal despotism was writhing under the chastisement of an exasperated public. Charles II. was being taught that not all power in the nation could be depended on to support his doctrine of the divine right of kings. The conditions rendered it easy and natural for them to adopt the most radical view of the times.

The Episcopalian establishment was Roman Catholicism reformed, but only to the first degree. That reformation made the magistrate the head of the church. To avoid the pope's interference with civil matters, King Henry VIII. assumed the functions claimed by the pope. To secure the salvation of his subjects was then reckoned a duty of the ruler. This high and important end should be gained by printing Bibles, instructing the people in the orthodox doctrines and ceremonies; and, finally, by coercion.

The Episcopalians did not hold that forcing the body saved the soul. Some contended that it stirred up the unthinking to examine the foundations of their faith. Some regarded persecution as a healthy reminder of the ill effects of incorrect thinking. Great stress was laid on the necessity for uniformity in religion. The purpose to be gained by this was political, not religious. The nation's peace was supposed to be at stake. Religious wars were rife on the continent. They argued that if they could avoid disagreement of thought they would avoid civil strife. The salvation of the state was regarded as the chief end of Christianity. The interests of the many should not be sacrificed to the unreasonable desires of the few. To differ from the policy of the state was unreasonable and dangerous. Therefore the schismatic should be dealt with by the magistrate to preserve the state. In this view the lives of men were depreciated, their personal interests disregarded, and the Christian doctrine of religious liberty set aside. From this position a large part of the church advanced in its thought. The movement, however, was not uniform, nor was it at all general until the subject came to be considered politically. Even then the majority of the

clergy continued their opposition. The advance that was made was consistent with the stand already taken. The foundations of their theory remained undisturbed. Its application was not carried so far.

The Presbyterians, from their early Puritan stage, accepted the prerogatives of the magistrate. They did not protest against the doctrines of the establishment, nor did they come under the head of sectaries. They sought reforms in morals, ceremonies, and church order. While deposing bishops, they did not desire to disturb the magistrate. The state was expected to convene synods and to control their action. Holding tenaciously to the belief that they were right, and that wrong was not to be tolerated, they were consistent persecutors when in power, and opponents of liberty always. They differed but little from the establishment. At one time they went so far as to seek reëntrance into that organization. Their concern was to preserve order in the religious world. To this end the rights of men were sacrificed and the kingdom of God belittled. Though these views were doubtless modified previous to the nineteenth century, the authoritative doctrinal statements give no evidence of such change until very recent years.

In accounting for the existence of these varying ideals we are forced into a consideration of the theological principles of the classes represented. Far the most important stage in this controversy was the religious stage. Though the practical and the political were ever considered, Scripture interpretations supplied the impetus which put the contestants into the struggle. Nor did the subject shift into the political arena until the arbiter of philosophic thought, John Locke, had accepted the theological hypothesis of the radical Baptists.

The acceptance or rejection of the Old Testament as a rule of faith and practice for Christians made the primary division in respect to this subject. The peculiar position of the Baptists was the logical outcome of finding their testimony in the New Testament and their example in Christ. Neither Moses nor David nor Josiah impressed them as being examples to Christian magistrates. They recognized Christ as inaugurating a new era,

and as inculcating new principles. They held that Christ had become their spiritual King. The Old Testament was not rejected by them as history, but as Christian law. Moses might persecute, they thought, but Christ did not. The Jewish order might stone the blasphemer; not so the Christian church. The Episcopalian and Presbyterian argued the king's religious prerogatives from Hebrew history. He not only might, but he must, secure his people from idolatry, as Josiah did. His chief care was to be the souls of men. They gathered, also, that since Israelitish kings made their nation righteous by coercion, and righteousness procured salvation, English kings could procure the salvation of Englishmen in the same manner. This resulted in the government becoming an instrument for the production of Christians and the peopling of the kingdom of heaven.

Further, the theory that the church was identical with the nation is an Old Testament conception. The Baptists urged the "Parable of the Tares," holding that the "field" is the world. The Episcopalians and the Puritans identified the "field" with the church. From the hypothesis of a national church the idea of uniformity readily springs. A church must not be divided in thought or practice. Quite contrary to this is the New Testament idea that a church is a congregation of persons related spiritually to Christ. With the nation as the church, persecution was merely discipline. And chastisement was a divine means of promoting salvation.

The rejection of infant baptism by Baptists was one with their rejection of the national church. Since salvation was to be obtained by individual faith, it did not come through birth and ceremony. The infant did not become regenerate by the priestly performance, nor did it become so by later instruction, and therefore it was not a member of Christ's church. They held that instruction was the only means in the possession of men by which they could be instrumental in effecting the salvation of others. To them the effect of persecution was to take away by death the possibility of repentance, or at least to harden the heart against the Christian religion.

Thus these two opposing views arose logically from just as different theological premises. The stand of the Independents resulted from a middle position. They held, with the conservatives, that the examples of the Old Testament rulers were to be followed by the Christian magistrate of England, at least to a certain extent. He was to look to the religious interests of the state. He was not, however, to be the means through which revelation should reach the people. In the gospel dispensation the church was charged with that duty. The church was a congregational body. No diocesan or ruling bishops were conceded. This mongrel conception of toleration arose from an attempt to reconcile the Old Testament idea of a religious magistracy with the gospel conception of a church. The Independents did not go so far as to repudiate the state church; they simply subjected the state to the church. Detecting the un-Christian elements in the Episcopalian hierarchy, they shrank from it, but for the peace and order of the commonwealth they feared to do away with all human authority. Having done away with bishops, the magistrate was the only logical candidate for this power. The subordination of the interests of the individual to the state, in their estimate, outweighed many other considerations.

In an examination of the motives which animated the different classes of contestants in this struggle it is seen that a multitude of combinations exist. All classes made large use of the lower motives. The only comparison which will yield results can be made in answering the question: What classes arose to the highest point in their employment of motives? The time came when political interests predominated generally. In this period we shall not be so successful in making comparisons. The Anabaptists and Baptists, to whom is due the origin of the movement, laid stress upon the example of Christ. He restrained the exasperated disciples who would have the unbelieving Samaritans destroyed. They held up the teaching of Jesus. The Parable of the Tares was often recited. Christ, too, was the "Shepherd" and "Savior;" how could he kill or injure? New Testament history and apostolic instructions were cited freely. They contended that the gospel was to usher in a reign of faith

and liberty rather than of fear and coercion. Again, they regarded truth, if unrestrained, able to gain its own victory. God did not need the statutes or armies of men to force truth upon the world. Then they grasped the idea of individualism. The responsibility of the individual to God endowed him with inherent rights. Christ had respected these rights. The state ought to do so, for such recognition would not be incompatible with the true functions of the state. They held that persecution would make evangelization impossible. Even the heretic, if not destroyed by coercion, would be driven out of the reach of gospel preaching. Compulsion, they thought, was not directed against suitable objects to indicate sincerity. If it had been aimed against immorality, it would have found more favor with them. In their estimation, to seek conformity was to encourage hypocrisy. They rejected the saving power of the sacraments, believing that salvation was for the obedient believer. Further, to "try the spirits," in order to see whether they were of God, necessitated the existence of differing "spirits," which uniformity made impossible. They argued that they could neither know nor do the will of God without freedom of conscience. In their desire to leave no stone unturned, they cited testimony in favor of such freedom, claimed the fulfilment of the royal promises, and oftentimes laid great stress upon the severity of their own sufferings.

In the case of the Independents the motives never ranged so high. Their pleas for toleration were usually on the ground of policy. It would be advantageous to the nation to "give the people content." There would be greater devotion to a lenient nation. The dissenters could not be expected to be attached to a government which despoiled their goods and sought their lives. They laid their stress upon the denial of the governmental advantages of a rigid conformity. They believed in a conformity, but they would hold the reins more loosely. Christians whose doctrines and practices were reasonably near their standard should be undisturbed. Any distress to such was sure to weaken the nation's support. It was a Christian state, and should have the sympathy and backing of Christians.

An argument from particular fitness, that is, likeness to the predominant church in all essentials, was pressed with persistence. They asserted that it was to no purpose to deny them and some of their fellow-dissenters toleration, for they did not differ enough to justify such harsh treatment. The minor points which distinguished them were not worthy of the government's notice. They also were Protestants. Their interests were allied with those of the English church. As to their own people in particular, they argued that their loose government and small numbers made them necessarily harmless. A democratic organization like theirs could not endanger the public welfare. Unlike popery, their success would not mean the unsettling of the civil power. They had ever in mind the stability of the government. It must not be overlooked that many of them were willing to sacrifice what they regarded their own interests for the good of the nation. They recommended charity to the rulers, but not for its own sake or because it was a Christian virtue, but because it would produce the best national results. They appealed to the magistrates and used arguments calculated to have weight with them as officials. Such motives were the logical accompaniments of their low ideals.

In pleading for liberty the Quakers laid much of their stress on the peculiar sanctity of their people, hence their more than ordinary right to follow their own choice. Inasmuch as they asked for a general freedom, they sought it on New Testament grounds. The very highest motives appear. The principles of Christianity, the rights of men, and the nature of government are advanced as reasons for religious liberty. Their writers were few in number and differed from each other greatly as advocates. The pretentious claim of sanctity arose in the early and crude stage of Quakerism. The higher motives are the expressions of the later and more refined period.

We should take account also of the motives of the advocates of intolerance. They are charged with utter selfishness and unscrupulousness. Such wholesale treatment is unjustifiable. If we admit that men might be led to a real acceptance of their theories, we must admit that persecution might result from

conviction of duty. We applaud the desire which many of them expressed to save their neighbors from themselves. It was just this that the champions of compulsion claimed to do. The salvation of the people was the end they hoped to gain by their severity. Conceding the Old Testament idea that coercion may be conducive to righteousness, we have a logical, and it may be a sincere, persecutor. A strong assurance of the righteousness of our own theories, plus an overweening conception of their importance and the fatality of bad thinking, are all that is necessary to make a Bloody Mary out of an absolute queen. Logic has played no insignificant part in Christendom's doctrines of intolerance.

Uniformity was advocated on the ground that it alone would support Christianity and the state. And surely these were laudable aims. That real fear for the safety of these institutions did exist it is easy to believe. The distorted conception of Christianity which must prevail when it becomes allied with the management of civil affairs readily accounts for such fears. But even to men of such ideas Christianity was the hope of the world. It must be preserved. To pity men tormented with such fears and driven to such extremities is surely proper, but wholesale denunciation is not becoming in any.

That many of the supporters of intolerance were insincere is evident. The church was their tool. Greed of gain, longing for power, and hope of continuing their immoral living called forth many attempts to stamp out purer doctrines. Their theory was un-Christian at the very best, their practice was diabolical.

The question of relative effectiveness has no bearing upon the merits of this case. There is no evidence that high ideals were held in abeyance because the pressing of low motives would reach the end sooner. It is the constitution of man that prevents the attainment of high ideals at a single bound. It was human, indeed, in the sixteenth century to brand the holding of the radical doctrine of liberty of conscience as fanaticism. The idea was held to be preposterous. And such it was to the un-Christian mind. The Great Teacher, however, enunciated it, as well as other lofty conceptions, in the first century. And,

strange as it may seem, his disciples grasped the thought, and it was wrought into their characters.

The preconception of the English mind made the reception of this truth difficult. It did not harmonize with the established views of statecraft. It was antagonistic to the prevailing notion of the church. These were the conditions, whatever they ought to have been. Our inquiry is: In such circumstances, what action would produce the desired sentiment most readily? The idealist is repugnant. He is regarded as a visionary. But, on the other hand, the change advocated by the mere tolerationist is an advance from the position of the past, and is conceded to be less impracticable.

Such a leader is not so far ahead of the host as to lose his influence over it. Mill was not entirely correct in saying that "the great writers to whom the world owes what religious liberty it possesses, have mostly asserted freedom of conscience as an indefeasible right, and denied absolutely that a human being is accountable to others for his religious belief." [119]

The tolerationists were very assiduous in propagating their ideas. They advanced from point to point and carried many with them. They, above all, were feared by the intolerant. Many thought that the idealists could be vanquished with epithets, but the more moderate demand of the tolerationist called forth strenuous efforts of opposition. And, in giving this class its due meed of praise, it must be recalled that it was ever in advance of the times. While it was made up of conservatives, they were still leaders. Their ideals were low, but from that very fact they did not give such offense to those with still lower standards. It is natural for men to wish for sympathy in their teachers, even if the sympathy results from their common failings. The hypotheses of the tolerationist and the coercionist were in general identical. In the production of sentiment nothing is so indispensable as unanimity in the underlying principles. It is true that the tolerationists were illogical, and their arguments alone would never have led to liberty, but they were useful in weaning the public from intolerance. Among their

[119] *On Liberty*, p. 20.

number were many men of ability. They were men of affairs. Their influence in forwarding this movement is very evident. To them is due much more of commendation than an analysis of their ideals and motives at this present time would lead one to suppose.

The great contest is not yet entirely ended. But what a glorious accomplishment! Centuries have been devoted to it. Many of the renowned of earth have had a part in it. Yet by far the most honorable part was taken by men who in their day were accounted as the offscouring of the earth and are yet unknown to fame. Christianity has been its inspiration; the good of humanity its aim. The end now attained justifies the expenditure made. Christian ideals are coming into favor. The shackles of the human mind are well-nigh thrown off. The prospects of England are more glorious than her history.

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